

AD-29
Ct No.01
Jalpaiguri
14.09.2023
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 731 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 31.08.2023 in connection with Sitalkuchi Police Station Case No. 242 of 2023 dated 16.08.2023 under Sections 341/323/326/307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of: AKILI BIBI @ AKLISA BIBI

...petitioner

Mr. Satarudriya Mukherjee,
Ms. Oshmita Mukherjee
Mr. Debjit Kundu

... for the petitioner

Mr. Tapan Bhattacharjee,
Mr. Chattu Roy

... for the State

1. Learned counsel for the petitioner submits that the principal accused is the petitioner's son, against whom allegations of assault and other offences are there.

2. As such, the petitioner seeks anticipatory bail. Learned counsel for the State points out to the injury report and argues that the nature of injury was grievous.
3. That apart, the seizure list also indicates that the nature of the offence was serious. It is further contended that the statement under Section 161 of the Cr. P.C. indicates the petitioner's involvement in the alleged act as well.
4. Hence, the State opposes the prayer for anticipatory bail.
5. Upon hearing learned counsel and going through the materials on record, we find that the nature of allegation against the petitioner was of a lesser magnitude in so far as it is contended that the petitioner was a part of the assault but there is nothing to show that the petitioner used the fire arm or the gunshot injury was the result of any act of the petitioner. Apart from that, keeping in view that the petitioner is a lady, we are inclined to grant anticipatory bail to the petitioner.
6. Accordingly, CRM (A) 731 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the

petitioner shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.

7. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer.
8. Over and above, the petitioner shall not leave the territorial jurisdiction of the Trial Court throughout the period of trial as and when the same commences from today till the conclusion of the bail and shall make herself available in the meantime, if so required, for the purpose of facilitating proper investigation into the matter.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)