

D/L. 32.
September 14, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 736 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 Maynaguri Police Station Case No. 179 of 2023 dated 14.05.2023 under Sections 498A/302/34/506 of the Indian Penal Code, 1860.

And

In the matter of: Nirmala Roy and others

.... petitioners

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

... for the petitioners

Mr. Sourav Ganguly,
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioners submits that the petitioners are the in-laws of the deceased and that the husband of the victim has already surrendered and obtained bail.
2. It is contended that there is sufficient scope of doubt from the nature of allegations levelled as to the involvement of the petitioners.
3. Learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that the petitioners were equally involved as per the complaint.

4. Since the husband, who is one of the principal accused, has already obtained bail, we do not find it necessary not to grant the same relief to the petitioners.
5. Accordingly, CRM (A) 736 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.
6. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.20,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The sureties may be common in case of the petitioners.
7. Further, the petitioners shall not leave the territorial jurisdiction of the jurisdictional court throughout the investigation as well as trial and shall make themselves available as and when required by the Investigating Officer for the purpose of proper investigation.
8. Furthermore, the petitioners shall meet the Investigating Officer once a month during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)