

14.09.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 752 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Bhaktingar Police Station Case No. 438 of 2023 dated 01.06.2023 under Sections 498A/306 of the Indian Penal Code.

In the matter of : Tumpa Roy

... Petitioner

Mr. Sudip Guha

...for the Petitioner

Mr. Kallol Acharjee,
Mr. Biswarup Roy

.....for the State.

1. Learned counsel for the petitioner submits that the petitioner is the first and legitimate wife of the principal accused. The alleged victim is the second, illegitimate “wife” of the husband of the petitioner. The petitioner was embroiled in allegations under Sections 498A and 306 of the Indian Penal Code, 1860.

2. Learned counsel appearing for the State opposes the prayer for anticipatory bail.

3. However, on a perusal of the complaint lodged against the petitioner, we find that there is sufficient scope of granting benefit of doubt to the petitioner, due to the apparent remoteness of the allegations against the petitioner.

4. Accordingly, CRM (A) 752 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 5,000/- (Rupees Five Thousand) with one surety of like amount, who must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and on further condition that the petitioner shall make herself available in the event so required for the purpose of investigation.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)