

04.12.2023

Sl. No.4

akd

[ALLOWED]

**IN THE HIGH COURT AT CALCUTTA**

**Circuit Bench at Jalpaiguri**

**C. R. M. (A) 784 of 2023**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Dinhata Police Station Case No. 343 of 2023 dated 06.07.2023 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.382 of 2023)

And

In Re: ***Soleman Miah @ Soleman Miya***

... .. Petitioner

Mr. Jagriti Mishra  
Ms. Ananya Bhattacharya  
Mr. Sabir Ali  
Ms. Mrinmayee Das

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor  
Mr. Subhasish Misra

... .. for the State

1. Petitioner is an octogenarian.
2. It is submitted on behalf of the petitioner that he is the father of the principal accused. A dispute cropped up between the couple over illicit relationship between the victim and the daughter-in-law of the petitioner. It is further submitted petitioner did not ordinarily reside with the couple. Accordingly, he prays for anticipatory bail.
3. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits petitioner was present at the spot and had participated in the assault.
4. We have considered the materials on record. Petitioner is an octogenarian. Allegation that he participated in the assault of the paramour of his daughter-in-law requires to be assessed in the backdrop of his advanced age and plea that he did not ordinarily

reside with the couple. In this backdrop, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail however, subject to strict conditions.

5. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Soleman Miah @ Soleman Miya***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Dinhata Police Station except for the purpose of attending court proceedings and shall meet the Investigating Officer once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.
6. The application for anticipatory bail is, thus, disposed of.

**(Apurba Sinha Ray, J.)**

**(Joymalya Bagchi, J.)**