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

CRM (A) 773 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.12.2022 in connection with Pundibari Police Station Case No. 196 of 2021 dated 26.04.2021 under Sections 302/34 read with Sections 304/34 of the Indian Penal Code.

In the matter of : Jaya Shil

... Petitioner

Ms. Suman Sehanabis (Mandal)

...for the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

.....for the State.

Heard learned counsel for the parties.

The petitioner is the mother of the principal accused. It is submitted by learned counsel for the petitioner that the only allegation against the petitioner is that the petitioner sought to restrain the victim at the time of the alleged offence.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the statement recorded under Section 164 of the Code of Criminal Procedure indicates that the present petitioner also hit the victim at the relevant point of time.

We find from the records that the principal allegation is against the son of the petitioner. Keeping in view such facts

as indicated above, we are of the opinion that the petitioner is entitled to get anticipatory bail.

Accordingly, CRM (A) 773 of 2022 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.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000 (Rupees five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar and on further condition that the petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every day of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)