

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

05.12.2023.
10/tkm

C.R.M. (A) 948 of 2023

In Re : An application for anticipatory bail under section 438 of the
Code of Criminal Procedure in connection with Nagrakata P.S case no.
134 of 2023 dated 13.9.2023 under sections 498A/302/34 of the IPC
And

Allowed

In Re : Pawan Agarwal & Ors.

... petitioners

Mr. Subham Ghosh
Mr. M Roy

...for the Petitioners.

Mr. Niloy Chakraborty
Mr. Biswarup Ray

...for the State

1. Petitioners are the in-laws of the victim housewife. It is contended that the victim died due to natural cause. They did not ordinarily reside with the couple. They pray for anticipatory bail.

2. Learned lawyer for the Sate opposes the prayer for anticipatory bail. He submits after the birth of child the victim was subjected to torture by her husband and other in-laws including the petitioners.

3. We have considered the material on record. Witnesses state victim lady was subjected to torture. However, post mortem report indicates she died due to “natural disease process, consistent with cardiac condition, causing shock and asphyxia”. It is also relevant to note petitioners who are the in-laws of the victim lady did not ordinarily reside with the couple. Petitioners have strong roots in society and there is no possibility of abscondence.

4. Keeping in mind the aforesaid circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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.

6. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 948 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)