

15.12.2023

Sl. No.20

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (A) 990 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.12.2023 in connection with Dinhata Police Station Case No.580 of 2023 dated 18.10.2023 under Sections 384/365/34 of the Indian Penal Code. (G.R. Case No.624 of 2023)

And

In Re: ***Sonamoni Barman & Ors.***

... .. Petitioners

Mr. Subhasish Misra
Mr. Swarup Das
Mr. Satyajit Paul

... .. for the petitioners

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Nilay Chakraborty
Mr. Aniruddha Biswas

... .. for the State

1. It is submitted on behalf of the petitioners that the victim is the husband of petitioner no.1. He had subjected her to cruelty and a criminal case being Sahebganj Police Station Case No.315 of 2023 dated 05.08.2023 under Sections 498A/307 IPC was registered. In order to avoid arrest he had absconded. In retaliation, the present case has been registered. Accordingly, they pray for anticipatory bail.
2. Pursuant to the direction of this court, learned Advocate for the State has produced the case diary in the earlier case being Sahebganj Police Station Case No.315 of 2023 dated 05.08.2023.
3. We have considered the materials in both the cases. Victim is the husband of petitioner no.1. He had subjected petitioner no.1 to

cruelty and a criminal case came to be registered. He is an absconding accused in the said case. Subsequently, his relations have lodged the present case against the petitioners. In this backdrop possibility of false implication cannot be ruled out. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely **(1) Sonamoni Barman, (2) Sonal Barman @ Biswanath Barman, (3) Shefali Barman, (4) Swapan Barman & (5) Soudamini Barman @ Sikha Barman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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. They shall appear before the court below and pray for regular bail within four weeks from date.
5. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)