

09.7.2024  
SL No.58  
Ct No. 29  
SB

CRM (A) 2271 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Palashipara Police Station Case No. 84 of 2024 dated 15.02.2024 under Sections 302/120B of Indian Penal Code.

And

Aparna Roy

Vs.

The State of West Bengal

Mr. Arindam Jana

Mr. Asraf Mondal

... for the petitioner.

Mr. Joydeep Biswas

Mr. Bikram Mitra

... for the State

1. Learned counsel appearing for the petitioner submits that the petitioner is the aunt of Barnali Chatterjee who is presently on bail.
2. It is submitted that another aunt namely, Hira Roy was granted bail by a co-ordinate Bench on 14.5.2024. He submits that the petitioner standing on the same footing as Hira Roy. As the statement of the witnesses recorded under Section 161 / 164 of the Code of Criminal Procedure does not implicate the petitioner in as much as it would not appear that there had been any direct connection between the petitioner and the alleged crime.
3. It is further submitted that the charge sheet has already been filed.
4. Learned counsel appearing for the State submits that the although petitioner may be standing on the same footing as Hira Roy but the said accused was arrested and granted regular bail by a co-ordinate Bench. The present petitioner is absconding and warrant of arrest is pending against the petitioner.
5. Considering the materials available in the case diary, the statement of the witnesses recorded under Sections 161/ 164 of the

Code of Criminal and having regard to the fact that prima facie, it does not appear from the record that the petitioner is disconnected with the alleged offence and further regard being had to the fact that investigation is complete and charge sheet has already been filed, we allow the prayer for anticipatory bail of the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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. It is further directed that the present petitioner shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, within two weeks from date and pray for regular bail.
7. It is further directed that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)