

31.01.2024
(D/L 20)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 84 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata P. S. Case No.450 of 2023 dated 10.08.2023 under Sections 306/34 of the Indian Penal Code.

In the matter of : Amicha Khatun and others
... Petitioners

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Satyajit Paul
... for the petitioners

Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil
... for the State

1. Heard learned advocates for the parties.
2. Learned advocate for the State opposes the prayer for anticipatory bail.
3. From the materials placed before us, we find that the present petitioner no.1 had long relationship with the deceased and the other petitioners are the family members of the petitioner no.1. From the statements of the witnesses, it reveals to us that the petitioner no.1 who is a lady, conveyed her break up with the deceased for which an altercation took place between the deceased prior to his death and the present petitioner. However, from the statements of the witnesses as recorded under

Section 161 Cr.P.C., we do not find any incriminating materials to attract the ingredients of Section 107 IPC at least *prima facie*.

4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:
 - i) Petitioner nos.2,3,5,6 and 7 are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) Petitioner nos.1 and 4 being ladies are directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
5. Within 21 days from today, petitioners are directed to appear before the IO along with server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The applications being CRM(A) 84 of 2024 is disposed of.

8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)