

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**04.04.2024
Court No.01
Item No.16
Avijit Mitra**

CRM (A) 228 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Phulkumari Barman @ Phulo Barman

- Petitioner

Mr. Hillol Saha Poddar,

Ms. Mousumi Das

...for the Petitioner

Mr. Abhijit Sarkar,

Mr. Tapan Bhattacharjee

...for the State.

Apprehending arrest in connection with Mathabanga Police Station Case No.205 of 2022 dated 27.04.2022 under Sections 498A/304B of the Indian Penal Code, the present application has been preferred.

Ms. Das, learned advocate appearing for the petitioner submits that the petitioner is the married sister-in-law of the victim lady and she is living in her matrimonial house in a different village. She has been falsely implicated. Upon completion of investigation chargesheet has also been submitted and as such custodial interrogation of the petitioner may not be necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record including the statement of the witnesses, the *post mortem* report, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary moreso when upon completion of investigation chargesheet has been submitted and as there is no reasonable apprehension that she would flee from justice.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Phulkumari Barman @ Phulo Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall also attend the learned trial Court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 228 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)