

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

05.04.2024
Court No.01
rpan/ 43

CRM (A) 283 of 2024

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

And

In Re: Namita Barman

- Petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy
...for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Chattu Roy
...for the State.

Apprehending arrest in connection with Sahebganj Police
Station Case No.30 of 2023 dated 29.01.2023 under Sections
448/323/325/307/506/34 of the Indian Penal Code, the present
application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner
submits that there is a case and a counter case amongst the parties
pertaining to construction of a boundary wall and in the said
incident the petitioner has been falsely implicated who happens to
be a lady member of the family and there is no reasonable
apprehension that she would flee from justice. Upon completion of
investigation chargesheet has also been submitted and as such,
custodial interrogation of the petitioner may not be necessary.

Mr. Luksom, learned advocate appearing for the State
opposes the petitioner's prayer and submits that there are strong

incriminating materials on record against the petitioner and as such, her prayer for anticipatory bail needs to be refused.

We have perused the statements of the victim girls as well as the injury reports. Considering the nature of injury, the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that her custodial interrogation is not necessary, moreso when upon completion of investigation chargesheet has already been submitted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Namita 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 with a further condition that she shall attend the learned trial court below on all the dates as fixed for hearing.

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

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel her bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 283 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.)