

24.04.2024
SL No.12
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 330 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No.33 of 2024, dated 15.01.2024 under Sections 306/34 of the Indian Penal Code.

And

In the matter of : **Alo Begam @ Beowa**

- Petitioner.

Mr. Arnab Saha,
Mr. Sagnik Dey

... For the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das,
Mr. Chattu Roy

... For the State.

1. It is submitted on behalf of the petitioner that the present accused petitioner being the wife of the deceased has been falsely implicated in this case.
2. While opposing the prayer for anticipatory bail, learned Counsel for the State draws our attention to the statements of the witnesses as recorded under Section 161 of the Cr.P.C.
3. On perusal of the entire materials on record before this Court, it appears that in between the present accused petitioner and the deceased husband, there existed a matrimonial discord and immediately prior to the

occurrence of the alleged incident there was altercation between the present accused petitioner and her husband who have committed suicide.

4. It does not appear to us at least prima facie that there are any materials to attract the provisions of Section 107 I.P.C. as against the present petitioner. In view of such, we are inclined to grant anticipatory bail to the petitioner.
5. Accordingly, it is directed that in the event of arrest, the petitioner, namely, **Alo Begam @ Beowa**, be released on bail upon furnishing a bond of Rs.10,000/-, with two registered 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. It is further directed that the present accused petitioner shall meet the Investigating Officer of this case as and when called for but not after the sunset. She shall not leave the territorial jurisdiction of the learned Trial Court unless such permission is given by the Trial Court till submission of the final report.
6. The application for anticipatory bail is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)