

19.06.2024
(D/L 38)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 455 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.140 of 2024 dated 28.02.2024 under Sections 498A/302 of the Indian Penal Code corresponding to G.R. Case No.923 of 2024.

In the matter of : Abdul Bari

... Petitioner

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah

... for the petitioner

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Subhashis Mishra

... for the State

1. Heard learned counsel for the petitioner and the learned State counsel.
2. The present petitioner is the neighbour of the husband of the deceased who has suffered unnatural death 19 years after marriage.
3. As per allegation that after a quarrel between the deceased with her husband, the present petitioner along with other co-accused has participated in killing of the victim.
4. Learned counsel for the petitioner submits that out and out this is a false case. The allegations on the face of it are highly improbable to occur 19 years after marriage has taken place.

5. Learned counsel for the State opposes the prayer for bail and refers to the materials collected during investigation.
6. We find, for the limited purposes for consideration of the prayer under Section 498, that the statement of the daughter of the deceased who was in the house when the unnatural death occurred, *prima facie*, belies the case of the prosecution and, therefore, it is a fit case to grant anticipatory bail to the petitioner. Accordingly, the prayer is allowed.
7. Accordingly, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. Case No.923 of 2024 arising out of 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 that the petitioner shall cooperate in the investigation as and when required. Petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of the charge-sheet. The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.

9. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
10. The application being CRM(A) 455 of 2024 is disposed of.
11. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)