

JPD-205
Ct No.01
29.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 484 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Coochbehar Sadar Women Police Station Case No. 20 of 2024 dated 05.02.2024 under Sections 498A/302/304B/34 IPC, 1860.

And

In the matter of: **Bajale Miya@Bajla Miya@Bazley Mia
@ Bazale Miya and another**

.... petitioners

Mr. Subhasish Misra
Mr. Satyajit Paul

... for the petitioners

Mr. Nilay Chakraborty
Mr. Biswarup Roy

... for the State

1. The petitioners are the uncle and aunt of the principal accused.
2. Learned counsel for the petitioners point out that they reside elsewhere than the house where the offence was allegedly committed and have nothing to do with the commission of the said offence.
3. The statement of the grandmother of the victim under Section 164 of the Code of Criminal Procedure is produced by learned counsel for the prosecution, who opposes the prayer for anticipatory bail.
4. However, we find therefrom that the same relates to statements made in respect of post facto events and do not in any manner indict the petitioners or depict their role in the alleged offence.
5. Hence, CRM (A) 484 of 2024 is allowed, thereby granting anticipatory bail to the petitioners on condition that the

petitioners shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.

6. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Additional Sessions Judge cum Special Judge (POCSO), Second Court at Coochbehar. The sureties may be common for both the petitioners.
7. That apart, the petitioners shall attend trial on each and every date and shall not leave the territorial jurisdiction of the trial court throughout the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)