

JPD-208
Ct No.01
29.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 491 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **140** of **2024** dated **28.02.2024** under Sections **498A and 302** of the **IPC, 1860**.

And

In the matter of: **Tachiruddin Md. @ Tachir Md. @ Tachhir Mahammad and another**

.... petitioners

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah

... for the petitioners

Mr. Abhijit Sarkar,
Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioners argues that the principal accused has been enlarged on bail, which is reflected in an order dated May 07, 2024 passed by the learned Chief Judicial Magistrate, Jalpaiguri. Further, a neighbour, who is one of the co-accused persons, has also been granted the benefit of anticipatory bail.
2. Learned counsel for the prosecution hands over the case diary from which it transpires that as per the statement of the minor daughter of the victim and the principal accused, who is aged about 15 years which is sufficient for intelligent assimilation of information, there was involvement of the principal accused in the offence and an altercation took place between the principal

accused and the victim lady. However, keeping in view the fact that nothing is reflected in such statement regarding any involvement of the present petitioners, who are the parents-in-law of the victim and also taking into consideration that the victim and the principal accused were married for the long period of 19 years without any prior rift being on record, we are inclined to grant the benefit of anticipatory bail to the petitioners.

- 3.** Accordingly, CRM (A) 491 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.
- 4.** In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri. That apart, the petitioners shall make themselves available as and when required to appear before the jurisdictional court during trial.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)