

05.11.2024  
Item no. 16.  
Court No.1.  
AB  
(Partly Allowed)

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**CRM (A) 599 of 2024**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No.148 of 2024 Dated 08.03.2024 under Sections 498A/306/34 of the Indian Penal Code

And

**In the matter of : Lakshi Roy @ Laxmi and Anr.**

**.....Petitioners.**

Mr. Sudip Guha                      .....for the Petitioners.

Mr. Ujjwal Luksom,  
Mr. Tapan Bhattacharya.....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioners pray for pre-arrest bail. They say that they have been falsely implicated. The petitioner no.1 is the mother-in-law of the victim lady, who apparently committed suicide by consuming poison. The petitioner no.2 is the husband of the victim lady.
2. The petitioners say that the victim lady and the petitioner no.2 were in marriage for about 15 years. There is no incriminating evidence against them. They are willing to cooperate with the Investigating Officer.
3. Opposing the prayer for anticipatory bail, learned State Advocate draws our attention to the material in the case

diary including statements of neighbours. The witnesses clearly implicate the petitioners herein.

4. Considering the age of the petitioner no.1 (74 years) and that she is a lady, we are inclined to grant anticipatory bail to her so long as she cooperates with the Investigating Authority fully.
5. Insofar as the petitioner no.2 is concerned, we are not inclined to allow his prayer for anticipatory bail.
6. The application is dismissed insofar as the petitioner no.2 is concerned and is allowed insofar as the petitioner no.1 is concerned.
7. Accordingly, in the event of arrest, the petitioner no.1, namely **Lakshi Roy @ Laxmi** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that she shall cooperate with the Investigating Officer until further orders.
8. In case the petitioner no.1 fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
9. The application for anticipatory bail is partly allowed.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Biswaroop Chowdhury, J.)**

**(Arijit Banerjee, J.)**