

JPD-06
Ct No.01
31.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 607 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalpaiguri Women Police Station Case No. 28 of 2024 dated 19.03.2024 under Sections 498A/302 IPC, 1860.

And

In the matter of: **Minati Chakraborty**

.... petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Sayantani Das

... for the petitioner

Mr. Nilay Chakraborty
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in her 60's and was the mother-in-law of the victim lady.
2. Moreover, it is argued that the petitioner is the only female member in the family at present and has the eight month old child of the victim and her son (husband of the victim) to look after.
3. The principal accused/husband is in custody at present.

4. Learned counsel for the State seriously opposes the prayer for anticipatory bail on the ground of the gravity of the offence and the involvement of the petitioner.
5. It is also denied that the petitioner is the only female member in the family to look after the child.
6. However, from the statement made by the mother of the victim lady, we find that in respect of the alleged strangulation, the direct involvement alleged was only of the son-in-law who is already in custody.
7. Moreover, keeping in view the circumstances, particularly regarding the well-being and upkeep of the minor child of about eight months, we are inclined to grant anticipatory bail to the petitioner.
8. Accordingly, CRM (A) 607 of 2024 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
9. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri.
10. Moreover, the petitioner shall meet the Investigating Officer once every fortnight and shall make himself available as and when required in order to cooperate with the investigation.

11. That apart, the petitioner shall attend trial on each and every date and shall not leave the territorial jurisdiction of the prospective trial court throughout the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)