

1209
2024

THURSDAY

COURT : 01
ITEM : 06
MATTER : 438
STATUS : ALLOWED
BENCH ID : 1430
TRANSCRIBER : NANDY

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 655 of 2024

In Re:- An application for **Anticipatory Bail** under section **482** of the Bharatiya Nagarik Suraksha Sanhita filed on August 13, 2024 in connection with Kumargram Police Station Case No. 137 of 2024 dated 06.08.2024 under Section 85/103 of the Bharatiya Nyaya Sanhita. (G.R. Case No. 1449 of 2024).

And

In the matter of : **Pradip Barman**

.....Petitioner

Mr. Avirup Chatterjee, Advocate

.....for the Petitioner

Mr. Sourav Ganguly, Advocate

Mr. Dhiman Sil, Advocate

.....for the State

1. The elder brother-in-law of the deceased lady has filed the instant application for anticipatory bail apprehending arrest in connection with the aforementioned case.
2. It is a specific stand of the petitioner that he is a Teacher, working and posted at Kamakhyaguri High School (XII) as the Assistant Teacher of Geography and does not reside at his parental house. It is further contended that he is residing separately from the other brothers and father and, therefore, have been falsely implicated in the instant case. The emphasis is put to the FIR lodged by the *de facto* complainant disclosing the role of the present petitioner but admittedly he is residing separately and not at the place of occurrence.
3. The State opposes the prayer for anticipatory bail. It is submitted that the petitioner is a highly influential political person and the statement of the witnesses would corroborate that he was instrumental to the commission of an offence as he constantly instigated the other family members. The State also submits that the father and mother of the petitioner who

were also named in the in the FIR, have been granted an immunity from arrest.

4. We had an occasion to peruse the statement of the neighbor who appears to be a prime witness. She did not divulge the name of the petitioner but disclosed the incident before the commission of an offence as the deceased rushed to his house for protection of her life.
5. Our attention is drawn to the statement of the other witnesses happened to be the relatives of the victim lady wherein the role of the petitioner is disclosed.
6. Since the material witness did not disclose the complicity of the petitioner and it appears that the petitioner stands on the better footing than his parents who have already been granted anticipatory bail, we do not find any justification for custodial interrogation of the petitioner.
7. Thus, the prayer for anticipatory bail is **allowed**.
8. Accordingly, We direct that in the event of arrest, the petitioner, namely **Pradip Barman**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and shall meet the Investigation Officer once in a week or as and when called for.
9. The application being **CRM (A) 655 of 2024** is **disposed of**.

(Harish Tandon , J)

(Apurba Sinha Ray, J)