

11.11.2024
Item no.75.
Court No.01.
S.De
(Allowed)

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

CRM(A) No.757 of 2024

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Alipurduar Women Police Station Case No.65 of 2023 Dated 17.10.2023 under Section 498A/307 of the Indian Penal Code.

And

In the matter of: Bina Biswas @ Puja Bishwash.

.....Petitioner.

Mr. Sourav Lohani,
Mr. Amit Kumar Pandey, for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary, for the State.

1. The petitioner is the mother-in-law of the de facto complainant. She is aged about 75 years. The charge is under Sections 498A/307 of the Indian Penal Code. The petitioner says that investigation is complete. Chargesheet has been filed. She says that she has been falsely implicated. She prays for anticipatory bail.
2. Opposing the prayer, learned State counsel draws our attention to the material in the case diary. There is no medical report available in the case diary. There is nothing to corroborate that the de facto complainant sustained any injury.

3. On an overall assessment of the material-on-record and considering that the petitioner is a lady and aged about 75 years and chargesheet has already been submitted, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary.
4. Accordingly, in the event of arrest, the petitioner namely **Bina Biswas @ Puja Bishwash** 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 the petitioner shall not leave the jurisdiction of the concerned Police Station until further orders.
5. In case the petitioner 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.
6. The application for anticipatory bail being C.R.M.(A) No.757 of 2024 is, thus, allowed.
7. 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.)