

28. 05.11.2024
Court
No.1 (Tanmoy)

Allowed-in-part

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 778 of 2024

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 / Section 438 of the Code of Criminal Procedure, 1973, in connection with **Sitalkuchi** Police Station **Case No. 339 of 2024** dated **21/07/2024** under Sections **85/103(1)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Sridhar Barman & Ors.**

...petitioners.

Mr. Hillol Saha Podder

...for the petitioners.

Mr. Abhijit Sarkar
Mr. Biswarup Roy

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner no.1 is the father-in-law, the petitioner no.2 is the mother-in-law and the petitioner no.3 is the sister-in-law of the victim lady. The allegation is of torture and murder.
2. The petitioners say that they have been falsely implicated. The husband of the victim lady, who died, is in custody. The allegation against the petitioner no.3 is only of abetment. They pray for anticipatory bail. They say that they will fully co-operate with the Investigating Officer.
3. Opposing the prayer for anticipatory bail learned Advocate for the State draws our attention to statements of witnesses recorded under Section 164 as well as Section 161 of the Code

of Criminal Procedure, 1973. There are allegations against the petitioners generally and also specifically against the petitioner no.1.

4. On an overall consideration of the facts and circumstances of the case and given the gravity of the alleged offence, we are not inclined allow the prayer of the **petitioner no.1**, namely, **Sridhar Barman**. The application is **dismissed** as regards the petitioner no.1.
5. However, considering that the allegations against the petitioner no.3 is only of abetment and the petitioner no.2 is a 50-year old lady, we are of the view that immediate custodial interrogation of the said petitioners may not be necessary so long as they co-operate with further investigation, if any.
6. Accordingly, in the event of arrest, the petitioner nos. 2 and 3, namely, **2. Pramila Barman**, **3. Santana Adhikary** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, 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, 1973.
7. In case the petitioner nos. 2 and 3 fail 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.
8. The application for anticipatory bail being CRM (A) 778 of 2024 is thus disposed of.

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

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)