

13.11.2024
Item no. 60.
Court No.1.
AB
(Allowed)

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

CRM (A) 873 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 Sadar Rajganj Police Station Case No.365 of 2024 Dated 14.10.2024 under Sections 80/85 of BNS 2023

And

In the matter of : Pradeep Agarwal @ Pradip Agarwalla & Anr.

.....Petitioners.

Dr. Arjun Choudhury
Mr. P. Dutta Choudhury
Ms. Riya Agarwal
Mr. Koushik Kr. Kanu
Ms. Tulip Saha for the Petitioners.

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

Dictated by Arijit Banerjee, J.

1. The petitioner no.1 is the brother in law and the petitioner no.2 is the mother in law of the victim lady. The petitioner no.1 resides separately about 60 kilometers away from where the victim lady used to reside. The petitioner no.2 resides in the same house where the victim resided. She is about 65 years of age.
2. The allegation is of meting out torture which led the victim lady to commit suicide.

3. We have seen the statements of witnesses recorded under Section 161 Cr.P.C. The allegations are general and omnibus in nature. We are told that two co-accused persons, being the married sister of the husband of the victim and her husband, have been granted anticipatory bail by this Court.
4. On an overall assessment of the material on record and the nature of allegations and considering that the petitioner no.1 stayed away from the victim's residence and the petitioner no.2 is a 65 year old lady, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.
5. Accordingly, in the event of arrest, the petitioners, namely **Pradeep Agarwal @ Pradip Agarwalla** and **Rupmani Agarwal @ Shakuntala Agarwal** shall be released on bail upon furnishing a bond of Rs.10,000/- 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 until further orders and on further condition that the petitioner no.1 shall report to the Investigating Officer once in a fortnight until further orders and the petitioner no.2 shall cooperate with the Investigating

Officer. They shall not leave the jurisdiction of the learned Trial Court until further orders.

6. In case the petitioners 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.
7. The application for anticipatory bail is allowed.
8. 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.)