

29.11.2024
SI No.30
srm/Mujahid
(Allowed)

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

CRM(A) 946 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **20.11.2024** in connection with **Sitalkuchi** P.S. Case No. **451/2024** dated **24.09.2024** under Sections **126(2)/118(1)/115(2)/117(2)/109/74/3(5)** of the B.N.S., 2023.
And

In the matter of: **Alijan Bibi @ Aligan Bibi & ors.**

... Petitioners.

Mr. Bablu Mitra,
Ms. Rupa Shil

... for the petitioners

Mr. Kallol Acharjee,
Mr. Dhiman Sil

... for the State

The petitioners pray for anticipatory bail on the ground that they have been falsely implicated and the present complaint is in retaliation to a prior complaint lodged by the petitioners. There is a case and a counter case. Petitioners further submit that one of the co-accused is already on bail. There is a long standing civil dispute between the parties.

Learned Advocate for the State opposes the prayer and produces the case diary.

We have perused the materials. We have perused the injury report. Considering the materials and the fact that the charge-sheet has already been submitted, we are inclined to extend the

benefit of Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of B.N.S.S to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of equal amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga. The petitioners shall appear before the jurisdictional court on the dates fixed. The petitioners will not tamper with evidence and shall not intimidate witnesses.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S., the learned jurisdictional court shall be entitled to cancel the bail without further reference to this Court.

The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)