

05.12.2024
SI No.43
s.biswas
(Allowed)

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

CRM (A) 981 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. in connection with **Falakata** Police Station Case No. **448/2016** dated **03.10.2016** under Section **498A/306** of the IPC.

And

In Re: **Biren Paul @ Birendra Chandra Paul and another**
... .. Petitioners

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioners

Mr. Abhijit Sarkar
Ms. Namrata Das

... for the State

1. Petitioners pray for anticipatory bail on the ground that following a land dispute, they have been falsely implicated. They further submit that the husband of the victim expired and thereafter such dispute cropped up between the victim and the petitioners.
2. Learned advocate for the State produces the case diary and opposes the prayer for anticipatory bail of the petitioners.
3. We have perused the materials in the case diary and the post mortem report. The investigation is complete. Charge-sheet has been submitted. There is no prayer on behalf of the investigating officer for filing supplementary charge-sheet. Considering all these aspects, we are of the view that custodial interrogation of the petitioners is not necessary

and the benefit under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. can be extended to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners 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 Chief Judicial Magistrate, Alipurduar and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of BNSS and further condition that the petitioners shall appear before the jurisdictional court on the dates fixed and shall not leave the jurisdiction of the trial court.
5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)