

Circuit Bench of Calcutta High Court At Jalpaiguri

CRM (A) 1046 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kuchilbari Police Station** Case No. **721 of 2023** dated **06.07.2023** under Sections **341/447/326/308/504/34** of the Indian Penal Code.

- A n d -

In the matter of : Nargis Parvin & Anr.

.... Petitioners.

Mr. Jagriti Mishra,
Ms. A. Bhattacharya
Ms. M. Das,

... For the Petitioners.

Mr. Niloy Chakraborty,
Mr. Namrata Das,

... For the State.

Heard Mr. Mishra, learned Counsel for the petitioner and
Mr. Chakraborty, learned Counsel for the State.

This petition under Section 438 Cr. P.C. has been filed praying for grant of anticipatory bail by the accused/petitioner in connection with Kuchlibari P.S. Case No. 721 of 2023 dated 06.07.2023 under Sections 341/447/326/308/504/34 of the Indian Penal Code.

As per FIR version, on 06.07.2023 at about 8.00 p.m., the father of the petitioner no.1 and his wife i.e., the petitioner no. 2 and the daughter of the petitioner no. 1 had forcibly entered into

the house of the victim (husband of the defacto complainant) and a quarrel took place between the two families with respect to some ancestral land which resulted in injury to the victim, i.e., the husband of the de facto complainant and consequently the aforesaid FIR was lodged. The victim and the father of the petitioner no. 1 both are said to be the real brothers.

Learned Counsel for the petitioners submits that the present petitioners have been falsely implicated in the alleged incident just to harass them and to exert pressure upon the father of the petitioner no. 1. There is civil dispute going on between the two brothers. He submits that both the petitioners are female members of the family who have been falsely implicated.

Learned State Advocate submits that perusal of the FIR discloses commission of criminal offence by the petitioners and, therefore, the petitioners are not entitled to anticipatory bail.

We have heard the submissions of learned Counsel for the parties and perused the petition.

Considering all the facts and circumstances of the case and the nature and gravity of accusation, the antecedent of the petitioners and the allegation of exerting pressure of causing harassment, we grant anticipatory bail to the accused persons, namely, **Nargis Parvin and Alima Bibi**, in relation to afore-noted FIR No. 721 of 2023 dated 06.07.2023 under Sections 341/447/326/308/504/34 IPC subject to the following conditions:-

- (i) 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 like amount each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Coochbehar and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.
- (ii) In the event of the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

Consequently, CRM (A) 1046 of 2023 is allowed.

Urgent certified copy of this order, if applied for, be supplied to the learned Counsel for the respective parties.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)