

14. 11.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 283 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jalpaiguri Women Police Station Case No. 27/2025** dated **22.03.2025** under Sections **85/109/115(2)/351(2)/3(5)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Mamata Sarkar**

...petitioner.

Mr. Sandip Dutta
Mr. Subrata Sarkar
Mr. Partha Choudhury

...for the petitioner.

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee
Ms. Namrata Das

...for the State.

1. The petitioner is the mother-in-law of the victim lady. She says that she has no role to play in the alleged offence punishable under various Sections of Bharatiya Nyaya Sanhita, 2023. All other members of the petitioner's family have been granted anticipatory bail. She will co-operate with the Police to the fullest extent. She prays for pre-arrest bail.
2. Opposing the prayer for anticipatory bail, learned State Advocate shows me the injury report and statements of witnesses recorded under Section 180 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 161 of the Criminal Procedure Code, 1973).

3. I find that the injury is simple in nature. The witnesses have made general and omnibus allegations against all the members of the petitioner's family. The other in-laws meaning thereby, the father-in-law, sister-in-law, etc., have been granted anticipatory bail. The petitioner is a lady, aged about 57 years.
4. On an overall assessment of the facts and circumstances of the case and the material on record, I am of the view that immediate custodial interrogation of the petitioner may not be necessary so long as she extends full co-operation to the Investigating Officer.
5. Accordingly, in the event of arrest, the petitioner, namely, **Mamata Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall report to the Inspector-in-Charge/Officer-in-Charge of the jurisdictional Police Station, as and when called for, until further orders.
6. In case the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below shall be entitled to

cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail being CRM (A) 283 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)