



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 530 OF 2023
(@ Special Leave Petition (Crl.) No. 12067/2022)

GANDHARI SARDAR & ORS.

...APPELLANT (S)

VERSUS

THE STATE OF WEST BENGAL

...RESPONDENT (S)

O R D E R

Leave granted.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 31-10-2022 passed by the High Court of Judicature at Calcutta in CRM (A) No. 5032/2022, by which the High Court has refused to grant anticipatory bail to the appellants, who are mother in law, sister in law of the deceased and maternal uncle, the appellants have preferred the present appeal.

It is reported that the husband of the deceased has been released on regular bail. However, an appeal against grant of regular bail is pending consideration before the High Court.

Taking into consideration the over all facts and circumstances of the case, we are of the opinion that a case for anticipatory bail is made out, however, subject to the appellants cooperating the Investigating Officer/Agency and to remain present before the Investigating Officer, as and when required and called.

Contd..

Without prejudice to the rights and contentions of respective parties in the trial, the present Appeal is allowed. The impugned judgment and order passed by the High Court is hereby quashed and set aside and it is ordered that in case of arrest of the appellants, the appellants be released on bail on the terms and conditions that may be imposed by the learned Trial Court including the condition that the appellants shall cooperate with the Investigating Officer/Agency and remain present before the Investigating Officer, as and when called.

It is specifically observed that the appeal against the order passed by the learned Trial Court granting regular bail to the husband of the deceased be considered in accordance with law and on its own merits and without in any way being influenced by the present order.

The present Appeal is accordingly allowed.

.....J.
[M.R. SHAH]

.....J.
[C.T. RAVIKUMAR]

NEW DELHI
FEBRUARY 20, 2023

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 12067/2022

(Arising out of impugned final judgment and order dated 31-10-2022 in CRM(A) No. 5032/2022 passed by the High Court Judicature at Calcutta)

GANDHARI SARDAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

(FOR ADMISSION and IA No.193964/2022-EXEMPTION FROM FILING O.T.)

Date : 20-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Rohit Dutta, Adv.
Ms. Ananya Banerjee, Adv.
Mr. Anas Tanwir, AOR

For Respondent(s) Ms. Astha Sharma, AOR
Mr. Ravinder Singh, Adv.
Mr. Srisatya Mohanty, Adv.
Ms. Raveesha Gupta, Adv.
Mr. Sanjeev Kaushik, Adv.
Ms. Mantika Haryani, Adv.
Mr. Shreyas Awasthi, Adv.
Mr. Himanshu Chakravarty, Adv.
Mr. Devvrat Singh, Adv.
Ms. Muskan Surana, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(signed order is placed on the file)