

22.04.2025  
(D/L 8)  
Ct. No.1  
Allowed  
(BKN)

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
CRM (A) 285 of 2025**

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 in connection with Rajganj P.S. Case No. 387/2024 dated 03.11.2024; under Section 105 of B.N.S, 2023 corresponding to G.R. Case No. 5523 of 2024, pending before the Court of Ld. Chief Judicial Magistrate at Jalpaiguri.

In the matter of : Tapashi Sarkar @ Bharati Sarkar &  
Anr.

... Petitioners

Mr. Jaydeep Kanta Bhowmik,  
Mr. Sayantan Bhowmik,  
Mr. Shubham Kumar,  
Ms. Sayantani Das

... for the Petitioners

Mr. Kallol Acharjee,  
Ms. Sukanya Adhikary

... for the State

1. Heard learned counsel for the petitioners and the learned counsel for the State.
2. The petitioners are wife and son of one Bishnupada Sarkar.
3. The said Bishnupada Sarkar allegedly took the informant's son on an e-rickshaw wherein the informant's son along with some more children were travelling. It is alleged that Bishnupada Sarkar has killed

the complainant's son. The son of the informant has died on account of injuries sustained in the course of an accident as per the claim of the present petitioners. The informant, however, has accused that since the Bishnupada Sarkar @ Bishnu Sarkar (husband of the present petitioner) was not invited for some social gathering hosted by the complainant, the accused Bishnupada Sarkar nurturing a grudge in this regard has killed the informant's son.

4. The learned counsel for the petitioners submits that the injuries sustained as is apparent from the post mortem report and the expert opinion is of such nature that could very well have been sustained by falling from the vehicle on a hard surface/road. The fact of an accident having occurred has been corroborated in the statement of one of the victims namely, Moumita Sarkar who was also travelling in the e-rickshaw; as well as the neighbour of the victim/deceased in their statements recorded under Section 164 Cr.P.C/Section 183 of B.N.S.S.
5. The learned counsel further submits that the husband of the present petitioner, is the prime accused alleged of killing the complainant's son while plying the e-rickshaw and he is in custody. It is further submitted that the petitioners have no criminal antecedents.

6. Learned State counsel has opposed the prayer for bail. It is submitted that there are allegations against the petitioner's husband of killing the son of the informant.
7. We have considered the rival submissions, the nature of allegations, material in the investigation including the post mortem report as well as expert opinion, translated copy of statement of one of the victims of the accident recorded under Section 164 Cr.P.C/183 B.N.S.S as well as statement of the neighbour of the victim supplied by the learned State counsel which substantiates the submissions made by the learned counsel for the petitioners. This Court thus finds that a case is made out for the purposes of grant of anticipatory bail.
8. Accordingly, it is directed that in the event of arrest the petitioners will 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 learned Trial Court and subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023, with a further condition that the petitioners shall attend the learned Trial Court on all the dates fixed for hearing.
9. It is further directed that the petitioners will not tamper with evidence and/or influence the witnesses in any manner whatsoever.

10. In the event, the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail without any further reference to this Court.
11. Accordingly, the prayer for the anticipatory bail is allowed.
12. Within 15 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
13. The application being CRM(A) 285 of 2025 is disposed of.
14. Case Diary be sent back immediately.
15. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

**(Madhuresh Prasad, J.)**