

08.09.2020
Sl. No.29
akd
[ALLOWED]

C. R. M. 5786 of 2020 *[via video conferencing]*
CRAN 1 of 2020 *[Old No. CRAN 4194/2020]*

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 12.08.2020 in connection with Bhaktinagar Police Station Case No. 416 of 2020 dated 23.05.2020 under Sections 498A/304B of the Indian Penal Code.

And

In Re: ***Sudarshan Thakur & Anr.***

... .. Petitioners

Mr. Sudip Guha .. Advocate

... .. for the petitioners

Mr. Aditi Sankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. Sourav Ganguly .. Advocate

... .. for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 (Old No. CRAN 4194 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioners that they are the in-laws of the victim-housewife. It is further submitted that the husband of the victim-housewife had an extramarital affair. As a result, the victim committed suicide.

Learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits that the incident occurred at the matrimonial home which is occupied by the petitioners i.e. her in-laws. He further submits that custodial interrogation of the petitioners is necessary.

We have considered the materials on record including the statements of witnesses which speaks of extramarital affair resulting in tension between the husband and the victim-housewife. Allegation with

regard to torture over dowry is general and omnibus in nature. In view of the aforesaid fact and as the principal accused i.e. the husband is in custody, we are of the opinion progress of investigation may not require custodial interrogation of the accused/petitioners and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Sudarshan Thakur & (2) Shanti Devi Thakur**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)