

24-09-2020
Subha
Item no.2
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 6643 of 2020

Adwaitya Jana and 2 ors.

-vs-

The State of West Bengal

With

CRAN No. 1 of 2020

(Via Video conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Bhagwanpur P.S. Case No.110 of 2020 dated May 3, 2020 under Sections 302/120B/34 of the Indian Penal Code.

Mr. Amal Krishna Samanta
Mr. Arun Kumar Das

...for the petitioners.

Mr. Swapan Banerjee, Ld. A.P.P
Mr. Arani Bhattacharyya

... for the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020 is disposed of.

The learned advocate for the petitioners submits that the petitioner no. 1 is the father-in-law, petitioner no.2 is the mother-in-law and the petitioner no.3 is the daughter-in-law of the deceased.

According to the learned advocate for the petitioners, the present petitioners have been falsely implicated in the instant case and their custodial interrogation is not required taking into account the totality of the circumstances which prima facie appears.

Mr. Banerjee, learned A. P. P appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the different submissions of the witnesses.

We have taken into account the materials which are appearing against the present petitioners and on an evaluation of the same, we are of the opinion that although a case may have been made out, but the same do not warrant custodial interrogation of the present petitioners. Accordingly, the prayer for anticipatory bail of the present petitioners are allowed.

As such, in the event of arrest, the petitioners shall be released on bail, upon furnishing bond of Rs.10,000/- (Rupees ten thousand only) each with two sureties of Rs.5000/- each, one of whom must be local subject to the satisfaction of the arresting officer/investigating officer and on condition that they shall not tamper with the evidence of the case or intimidate the witnesses.

The aforesaid order of anticipatory bail are subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

[Tirthankar Ghosh, J]

[Sahidullah Munshi, J]

