

24.09.2020

Court No. 16
Item No. 25
abhar/k.mitra

(antibail - Partly
allowed)

CRM 6663 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Marishda Police Station Case No. 168 of 2020 dated 25.08.2020 under Sections 498A/304B of the Indian Penal Code

And

In the matter of: **Birendra Nath Giri & Ors.**

..... Petitioners

Mr. Soumyajit Chatterjee

.....for the Petitioners

Mr. Binay Panda

Mrs. Puspita Saha

..... for the State

The learned advocate for the petitioners undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioners submits that the petitioners, being the father-in-law , mother-in-law and the sister-in-law (Nanad) have been implicated in the instant case on the basis of the complaint lodged by the victim's parents though they have no nexus for complicity to such offence.

The learned advocate appearing for the State opposes the prayer for anticipatory bail. It is submitted that the case is at the early stage of investigation and several statements are being recorded under Section 161 of the Code of Criminal Procedure and, therefore, their prayer for anticipatory bail should be rejected.

Upon hearing the submissions made by the respective counsel and upon perusal of the statements made in Section 161 of the Code of Criminal Procedure, it appears that the petitioner no. 3, being the

sister-in-law (Nanad), is married and living in her matrimonial house 7 kilometers away from the place of occurrence. Her role in the alleged offence is to some extent lower in comparison to the other co-accused. We, therefore, reject the prayer for anticipatory bail so far as the petitioner no.1, namely, **Birendra Nath Giri**, and the petitioner no.2, **Smt. Purnima Giri**, are concerned. The prayer for anticipatory bail in respect of the petitioner no. 3, namely, Pratima Jana Giri is allowed.

Therefore, we direct that in the event of arrest, the petitioner no.3, namely, **Pratima Jana Giri**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application being **CRM 6663 of 2020** is **allowed**.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)