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CRM No. 8009 of 2020

(Via video conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 662 of 2020 dated 01.08.2020 registered for investigation into offences punishable under Sections 498A/306 of the Indian Penal Code.

And

In the matter of : Sampa Nandi Das @ Pampa & Anr.

... Petitioners

Mr. Debajit Kundu

.. for the petitioners

Mr. Niloy Chakraborty

Mr. Biswarop Roy

..for the State

The petitioners undertake to affirm and stamp the petition as per the 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 petitioner No. 1 is the married sister-in-law. The petitioner No. 2 is the husband of the petitioner.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case.

The learned counsel for the State opposes the prayer for anticipatory bail. It is also submitted on behalf of the State that the petitioners have been named in the FIR.

It appears from record on 30th September, 2020 the husband and the mother-in-law of the deceased victim have been granted bail by the Sessions Judge, Jalpaiguri.

Considering the nature of the involvement of the petitioners and the extent of complicity of the petitioners in the commission of the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow the prayer for anticipatory bail of the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties each of like amount, one of whom must be local, 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 petitioner No. 2 shall meet the Investigating Officer once in a week and shall cooperate with the investigation.

It is made clear that in the event of breach of any of the aforesaid conditions, it would be open for the trial

court to cancel the bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being CRM 8009 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)