

07.04.2021
Item No.58
Ct.No.28
Subha
partly Allowed

C.R.M. 659 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 Cr.P.C in connection with Neturia P. S. Case No. 98 of 2020 dated 07-09-2020 punishable under Sections 498A/304B/34 of the Indian Penal Code.(G. R. Case No. 560 of 2020).

And

In the matter of : Subhas Mahato & Ors.

.. Petitioners.

Mr. Bimal Sil

... For the Petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

... For the State.

Apprehending arrest in connection with Neturia Police Station Case No. 98 of 2020 dated 07-09-2020 punishable under Sections 498A/304B/34 of the Indian Penal Code, the present application has been filed.

Mr. Sil, learned advocate appearing for the petitioners submits that the petitioner no. 1 has already been arrested and he do not intend to press the present

application on behalf of the petitioner no. 1 and as such, the present application filed on behalf of the *petitioner no. 1* is dismissed as not pressed.

So far as the petitioner nos. 2, 3 & 4 are concerned, they happen to be the elder brother-in-law, elder sister-in-law and the mother-in-law of the deceased .

Learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the instant case without any substantial reason and it is a simple case of suicide.

Mr. Ganguly, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this court to the statement of the neighbours as well as the post mortem report.

We have perused the materials on record which includes the Statement of the witnesses and we find that the petitioner nos. 2, 3 & 4 are standing on the same footing, the post mortem report also reflects that the cause of death was suicidal in nature.

Having regard to the fact that the marriage was solemnized about five years prior to the date of the unfortunate incident, we are of the opinion that the custodial detention of the petitioner nos. 2, 3 & 4 are not warranted in the facts and circumstances of the present case and the anticipatory bail prayer of the present petitioner nos. 2, 3 & 4 is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the *petitioners*, namely, ***petitioner no. 2, Bhadari Mahato, petitoner no. 3, Smt. Bandana Mahato and petitioner no.4, Thandi Mahato*** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 659 of 2021 is, thus, disposed of.

(**Harish Tandon, J.**)

(**Tirthankar Ghosh, J.**)