

07.04.2021.
Item No.61
(Partly Allowed)

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C.R.M. 663 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 13.01.2021 in connection with Kaliachak Police Station Case No. 451 of 2020 dated 10.06.2020 (G.R. Case No. 2430 of 2020) under Sections 498A/302/34 of the Indian Penal Code;

And

In the matter of : **Tanjura Bibi and another.**

... petitioners.

Mr. Sagar Saha.

...For the petitioners.

Mr. S. G. Mukherjee, Ld. PP.,
Mr. Aniket Mitra.

...For the State.

Apprehending arrest in connection with Kaliachak Police Station Case No. 451 of 2020 under Sections 498A/302/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that the petitioners are the respective wives of nephews of the husband of the deceased. Additionally, he submits that after the incident for which the present case has been registered the husband of the deceased was assaulted mercilessly and subsequently he died in the hospital.

Mr. Aniket Mitra, learned Advocate for the State, opposes the prayer for anticipatory bail and draws attention of this Court to the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

We have perused the statement of the witnesses and find some support from the contention of the learned Advocate for the petitioners that the husband of the

deceased has also subsequently died in the hospital because of the assault inflicted upon him by the local people.

Having regard to the nature of materials appearing against the present petitioners and the facts of the case, we find there are no specific overt act and, as such, we are of the opinion that the custodial detention of the petitioners may not be warranted in the instant case.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall meet the Investigating Officer of the case as and when called for.

This application for anticipatory bail is, thus, **allowed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)