

07.04.2021.
Item No.60
(Partly Allowed)

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C.R.M. 662 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.01.2021 in connection with Gazole Police Station Case No. 46 of 2020 dated 20.01.2020 (G.R. Case No. 357 of 2020) under Sections 306/34 of the Indian Penal Code;

And

In the matter of : **Kapu Murmu and others.**

... petitioners.

Mr. Kazi Mokhlasur Rahman.

...For the petitioners.

Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...For the State.

Apprehending arrest in connection with Gazole Police Station Case No. 46 of 2020 under Sections 306/34 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 at the inception submits that the petitioner no. 2, namely, **Mandal Murdi**, has already been arrested and, as such, does not intend to press the instant application.

In view of the above, the prayer for anticipatory bail so far as the petitioner no. 2 is concerned is dismissed as 'not pressed'.

The learned Advocate for the petitioner no. 1 and 3 submits that the petitioner no. 1 and 3 has been falsely implicated in the instant case because of the reason that the petitioner no. 1 happens to be the second wife of one Jonash Tudu and the petitioner no. 3 happens to be the mother of the petitioner no. 1. He further submits that on any stringent condition the petitioner no. 1 and 3 may be granted relief as

prayed for as there was no abatement on their behalf for the deceased to commit suicide.

Mr. Md. Anwar Hossain, 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 materials on record and we find that the allegations, which have been made against the petitioner no. 1 and 3, are general in nature and there are no specific overt act attributed on their part.

Having regard to the same, we are of the opinion that the custodial detention of the petitioner no. 1 and 3 may not be warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner no. 1 and 3, namely, **Kapu Murmu and Maiku Baskey**, 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.

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

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)