

12.04.2021
Court No.28
Item No. 298
Krishnendu
Allowed

C.R.M. 802 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Fulo Das & Ors.**

.....Petitioners

Md. Safiur Rahaman
Mr.Sourav Paul

.....For the Petitioners

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

.....For the State

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 879 of 2019 dated 03.12.2019 under sections 498A/304B/34 of the Indian Penal Code , the petitioners have filed the present application.

The learned advocate for the petitioners submits that the petitioners are the mother-in-law, sister-in-law and father-in-law respectively of the deceased. The learned advocate further submits that investigation of the case has already been concluded and detention of the present petitioners may not be warranted in the facts and circumstances of the case considering the nature of allegations made against them.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws the attention of this Court to the statements of the witnesses which are available in the case diary.

We have perused the materials in the case diary and we find that within two years of marriage the unfortunate incident had happened. Although there are *prima facie* materials for implicating the petitioners but having considered the fact that investigation of the case has already been concluded, we are of the opinion that custodial detention of the petitioners are unwarranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Fulo Das, Mampi Das** and **Gosto Bihari Das**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order of anticipatory bail will remain in force for a period of four weeks from date, within which period the petitioners shall surrender before the learned Jurisdictional Magistrate and pray for regular bail.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 802 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)

