

27.04.2021

Item No.05

Ct.No.28

Subha

Allowed

C.R.M. 965 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 Cr.P.C in connection with Palashipara P. S. Case No. 332 of 2020 dated 19-11-2020 punishable under Sections 498A/302/304B/34 of the Indian Penal Code and $\frac{3}{4}$ of the D. P. Act.

And

In the matter of : Ramjan Barati & Ors.

.. Petitioners.

Mr. Mazhar Hossain Chowdhury
Mr. Sourav Mukherjee

... For the Petitioners.

Ms. Manasi Roy

... For the State.

Apprehending arrest in connection with Palashipara Police Station Case No. 332 of 2020 dated 19-11-2020 punishable under Sections 498A/302/304B/34 of the Indian Penal Code, the present application has been filed.

Mr. Chowdhury, learned advocate appearing for the petitioners submits that the present petitioners are the

father-in-law, mother-in-law and the brother-in-law of the victim/deceased.

We have heard the submissions of the rival parties. We have taken into consideration the materials available in the case diary and we find that although the case was initially registered under Section 498A/302/304B/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act, but after investigation charge-sheet has been submitted under Section 498A/304B/34 of the Indian Penal Code. The records reveal that the husband of the victim was arrested and subsequently released on bail.

Having regard to the complicity of the present petitioners and the fact that the incident happened four years after the marriage of the deceased and that the investigation of the case has already been concluded, we are of the opinion that the custodial interrogation of the present petitioners are not required.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the *petitioners*, namely, **1. Ramjan Barati, 2. Rehena Barati 3, Raihan Barati @ Ripon Barati** 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.

This order of anticipatory bail will remain force for a period of four weeks within which the present petitioners would appear/surrender before the jurisdictional court and pray for regular bail and the jurisdictional court will be at liberty to impose conditions, as it thinks fit, for appearance of the present petitioners during the course of trial

The application for anticipatory bail, being CRM 965 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)