

20.04.2021

Item No.17

Court No.28

Avijit Mitra

C.R.M. 975 of 2021
(Through video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Barjora Police Station Case No. 79 of 2020 dated 23.10.2020 under sections 498A/304B/34 of the Indian Penal Code.

And

In Re : **Uttam Ghosh & anr.** petitioners

Mr. Abhinaba Dan

..... for the petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Aniket Mitra

..... for the State

Learned advocate appearing for the petitioners submits that the petitioner no.1 has already been arrested and the prayer for anticipatory bail is made only for the petitioner no.2. The petitioner no.2 is the married sister-in-law of the deceased victim. The petitioner no.2 is residing far away from the residence of her matrimonial home and on the date of incident she was not present. It is further submitted that she has been falsely implicated.

Learned advocate for the State opposes the prayer for anticipatory bail and draws our attention to the statements of the neighbours and other independent witnesses recorded under Section 161 of the Code of Criminal Procedure.

Considering the materials available in the case diary and the nature and extent of complicity of the present petitioner no.2 in the commission of the alleged offence and having regard to the fact that chargesheet has already been filed, we are of the view that

custodial interrogation of the petitioner no.2 is not required as such her prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner no. 2 namely **Chandana Ghosh** shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

This order of anticipatory bail shall be valid for a period of four weeks. In the meantime the petitioner no.2 shall appear before the learned Trial Court and pray for regular bail.

So far as petitioner no. 1 is concerned, the same is dismissed as not pressed.

With the aforesaid observations, CRM 975 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)