

07.06.2021
tkm/ct 28
sl no. 29

C.R.M. 1189 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raipur P.S case no. 18 of 2020 dated 5.9.2020 under sections 498A/302/120B of the IPC

And

Allowed

In Re : Biswajit Patra & Anr. petitioners

Mr. Debasis Sur
Mr. M Chatterjee

..... for the petitioners

Mr. S G Mukherjee, Id PP
Ms. Faria Hossain
Mr. Aniket Mitra

..... for the State

The application for anticipatory bail under section 438 Cr.P.C has been filed apprehending arrest in connection with Raipur P.S Case no. 18 of 2020 dated 5.9.2020 under section 498A/302/120B of the IPC.

It appears from the records that the main accuseds i.e. husband and mother in law of the victim had been arrested and enlarged on bail. The petitioners are the brother in law and sister in law of the deceased. The allegations against the petitioners are omnibus in nature and are based on statements under section 164 Cr.P.C given by the mother of the victim that the petitioners along with the other accused had jointly tortured the victim.

It also appears from the records that charge sheet has been filed inter alia against the petitioners under section 498A/304B/120B IPC.

Under such circumstances, this court is of the view that the petitioners are entitled to bail.

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, 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.

The petitioners shall appear before the Investigating Officer and hand over their passports if any, within a period of four weeks. In the event, the petitioners do not have any passport, they shall personally appear before Investigating Officer and furnish an affidavit to that effect. The petitioners shall appear before the Investigating Officer once in every week.

In the event the petitioners fail to appear before the trial court or breaches any of the conditions, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application being CRM 1189 of 2021 is disposed of.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)