

41. 08.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 1318 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **02/02/2021** in connection with **Dantan Police Station Case No. 373 of 2019** dated **24/10/2019** under Sections **498A/304B/34** of the Indian Penal Code.

And

In the matter of: - **Tapan Ghosh**

....petitioner.

Mr. Suman Das Adhikary

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Ms. Sujata Das

...for the State.

It is contended by learned Counsel for the petitioner that the father-in-law and the husband of the alleged victim have already been enlarged on bail, while another co-accused, on the same footing as the petitioner, was granted anticipatory bail by a co-ordinate Bench of this Court by an order dated January 28, 2020, passed in C.R.M. 986 of 2020.

The petitioner is the maternal uncle of the husband of the accused and did not reside at any point of time with the matrimonial family of the victim.

Such conditions are corroborated by the records and supported, in his usual fairness by learned Additional Public Prosecutor.

After hearing the submissions of the parties and on going through the materials, we are convinced that there is sufficient reason to extend the benefit of doubt to the petitioner.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Tapan Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall report before the Investigating Officer once in a week until further orders.

In case, the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 1318 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Sabyasachi Bhattacharyya, J.)