

15.06.2021
Court No.28
Item No. 05
Avijit Mitra

CRM 1393 of 2021 (Via video Conference)

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

And

In Re: **Asis Das**

Petitioner

Mr. Sourav Chatterjee,
Mr. Aniruddha Bhattacharyya

For the Petitioner

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Pradipta Ganguly,
Mr. Saryati Datta

For the State

Apprehending arrest in connection with Kalyani Police Station Case No.3 of 2021 dated 07.01.2021 under sections 498A/306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is the brother-in-law of the deceased. He has been falsely implicated in an incident which occurred in the month of January, 2021, about 12 years after the marriage of his brother, namely, Debasish Das with the deceased. The allegations levelled against the petitioner are unfounded. The principal accused person, being the husband of the deceased, is already in custody. Upon completion of investigation, charge sheet has also been filed and in the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the post mortem report and the statements of the witnesses, including the son of the deceased, as recorded under Section 161 of the Code.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there is a reasonable doubt as regards the involvement of the petitioner in the alleged offence. No overt act has been attributed to the petitioner and considering the nature of allegations, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case, more so, when upon completion of investigation, charge sheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Asis Das**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is also directed that the petitioner shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever.

The petitioner shall also attend the learned trial court on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the above directions, without justifiable cause, the learned trial court shall be at liberty to cancel his bail automatically, without further reference to this Court.

The application for anticipatory bail being CRM No.1393 of 2021 is, accordingly, disposed of.

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

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)