

24.05.2021
Court No.28
Item No. 56
Krishnendu
Allowed

**CRM 1663 of 2021
(Via video Conference)**

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

And

In Re : **Jayanta Mandal & Ors.**

Petitioners

Mr. Sagar Saha

For the Petitioners

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

For the State

The learned advocate appearing for the petitioners is granted leave to make necessary correction in the cause title of the petition.

Apprehending arrest in connection with Gazole P.S. Case No. 549 of 2020 dated 30.11.2020 under sections 498A/306 of the Indian Penal Code, and under sections 3 and 4 of the Dowry Prohibition Act, the petitioners have filed the present application.

The learned advocate appearing for the petitioners at the outset submits that the petitioner no. 2 , Prabhash Mandal, is the husband of the deceased. He was already granted bail from the trial court and, therefore, the learned advocate does not want to press the prayer for anticipatory bail in respect of petitioner no. 2.

Accordingly, the application under section 438 of the Code in respect of the petitioner no. 2, **Prabhash Mandal**, is dismissed on being 'not pressed'.

The petitioner nos. 1 and 3 are the step-sons of the deceased, petitioner no. 5 is the brother-in-law and the petitioner nos. 4 and 6 are the distant relatives of the petitioner no. 2.

It is submitted by the learned advocate for the petitioners that the petitioners were falsely implicated in the case. The F.I.R. was submitted after seventy-two days of the unnatural death of the wife of the petitioner no. 2. There is no explanation of delay in lodging the F.I.R. As there is no incriminating material against the petitioners, they should be released on anticipatory bail.

The learned P.P in charge has opposed the prayer for anticipatory bail . He has produced the case diary and submits that there is sufficient material against the petitioners in the case diary.

We have considered the submission made by the learned advocates for the parties and perused the case diary carefully. Entire allegation was levelled against the petitioner no. 2 . There is no material against the other petitioners to hold *prima facie* that they are being involved in committing the offence. Therefore, they are entitled to be released on anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner nos. 1, 3, 4, 5 and 6, namely, **Jayanta Mandal, Sushanta Mandal @ Prosanta Mondal, Baijanti Mandal @ Brajanti Mandal, Sudhir Mandal and Raju Mandal**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

The application for anticipatory bail, being CRM No. 1663 of 2021 is, thus, disposed of.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)