

28.05.2021

Sl. No. 66

Srimanta

Ct. No. – 28

D/L

**CRM/2071/2021
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

In the matter of : Gopal Bhowmik @ Gopal Chandra Bhowmik & Anr.

... petitioners.

Mr. Suman De, Adv.,

...for the petitioners.

Mr. Saswata Gopal Mukherjee, Adv.,

Mrs. Faria Hossain, Adv.,

Mr. Aniket Mitra, Adv.

...for the state.

Apprehending arrest in connection with Sutahata Police Station Case No. 212 of 2020 dated 10th December, 2020 under Sections 498A/302/34 of the Indian Penal Code (G.R. No. 1319 of 2020), the petitioners have preferred the present application.

Mr. De, Learned Advocate appearing for the petitioners submits that the petitioner no. 1 is the father-in-law and the petitioner no. 2 is the mother-in-law of the deceased. They are both aged persons. They have been falsely implicated in an incident which occurred about 18 years after their son's marriage with the deceased. The petitioner's son has two daughters and a son who are also presently residing with the petitioners. No overt act has been attributed to the petitioners and in the said conspectus custodial interrogation/detention of the petitioners is not necessary.

Mr. Mitra, Learned Advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code of Criminal Procedure.

We have perused the materials in the Case Diary including the statements of the two daughters and son of the deceased as recorded under Section 161 of the Code. Considering the nature of allegations as levelled against the petitioners and the extent of their complicity in the alleged offence we are of the opinion that custodial interrogation/detention of the petitioners is not warranted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Gopal Bhowmik @ Gopal Chandra Bhowmik, Sarala Bhowmik** shall be released on anticipatory 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, 1973 with a further condition that the petitioner no. 1 shall meet with the Investigating Officer once a week on and from 7th June, 2021 until further orders.

Accordingly, the application for anticipatory bail being CRM No. 2071 of 2021 is **disposed of**.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)