

17.08.2021.
285.
As/Akd
(Allowed)

**C.R.M. 2240 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Patashpur P.S. Case No.229 of 2020 dated 06.06.2020 under Sections 498A/323/307/34 of the Indian Penal Code and charge sheet submitted under Sections 498A/323/307/34 of the Indian Penal Code.

In the matter of : Swapan Ghorai & Anr. ... Petitioners.

Mr. Nazir Ahmed,
Ms. Jayashree Patra.

.....for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

.....for the State.

Apprehending arrest in connection with Patashpur P.S. Case No.229 of 2020 dated 06.06.2020 under Sections 498A/323/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The present application is at the behest of the parents-in-law of the complainant who alleged that she was alleged to be killed by her husband and the present petitioners.

It is not in dispute that the husband was enlarged on bail by this Court in C.R.M.10412 of 2020 on 15.12.2020. It appears from the findings recorded therein that the complainant recovered from the burn injury and is declared by the doctor to be out of danger.

Since the allegation is omnibus against all the co-accused and the husband has already enlarged on bail and furthermore, charge sheet has already been submitted, we do not find any justification in the custodial interrogation of the present petitioners, being the parents-in-law.

Accordingly, we direct that in the event of arrest the petitioners 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 subject to the satisfaction of the arresting officer and on condition that they shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2240 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)