

24.11.2021
Court No.32
Item No. 164
Krishnendu
Partly Allowed

**C.R.M. 2609 of 2021
(Via Video Conference)**

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

In re: **Paritosh Bhattacharya & Anr.**

Petitioners

Mr. Tapan Kumar Jana

For the Petitioners

Ms. Kumkum Mitra

For the State

Apprehending arrest in connection with Raniganj Police Station Case No. 82 of 2020 dated 03.03.2020 under Sections 498A/323/406/34 of the Indian Penal Code and sections 3 and 4 of D.P. Act, the present application has been preferred.

Mr. Jana, learned advocate appearing for the petitioners submits that during pendency of the present application, the petitioner no.1, Paritosh Bhattacharya, has expired.

In view of such submission, the application, so far as the said petitioner is concerned, has become infructuous and, accordingly, the same is dismissed.

Mr. Jana further submits that the petitioner no. 2 is the mother-in-law of the victim and she has been falsely implicated. The alleged incident occurred about three years after the marriage. The petitioner no. 2 has also complied with section 41A notice and upon completion of investigation,

charge sheet has also been submitted. In view thereof, custodial interrogation of the petitioner is not necessary.

Ms. Mitra, learned advocate appearing for the State opposes the prayer of the petitioner no. 2 and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner no. 2 in the alleged offence, we are of the opinion that custodial interrogation of the petitioner no. 2 is not necessary, more so when she is a lady and there is no likelihood that she would flee from justice or interfere with the investigation. As such, the prayer for anticipatory bail of the petitioner no. 2 is allowed.

Accordingly, in the event of arrest the petitioner no. 2, namely, **Smt. Swapna Bhattacharya**, shall be released on bail upon furnishing two registered sureties of Rs.5,000/- each, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 2609 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.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)

