

17.09.2021
Item no.47.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2678 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 12.3.2021 in connection with Baranagar Police Station Case No.193 of 2020 Dated 18.05.2020 under Sections 498A/302/306/34 of the Indian Penal Code

And

In the matter of : Makhan Rajbangshi

.....Petitioner.

Mr. Debasis Kar,
Mr. Subhajit Choudhuryfor the Petitioner.

Mr. Bidyut Kr. Ray,
Ms. Rita Duttafor the State.

The petitioner is the father-in-law of the victim lady.
The charge is under Sections 498A/302/34 of the Indian Penal Code.

The petitioner says that he stands on the same footing as the married sister-in-law of the victim, who has been granted anticipatory bail by this Court on July 27, 2020.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. The allegations are general and omnibus in nature. Nothing specific is stated against this

petitioner. The petitioner is 79 years old. Charge sheet has been submitted under Sections 498A/306 of the Indian Penal Code.

On an overall assessment of the facts and circumstances of the case and the material on record and considering that charge sheet has already been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely Makhan Rajbangshi 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2678 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

