

CRM No.2693 of 2021

Via video conference

24.12.21

(S.R.)

Sl.03

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** Police Station Case No.709 of 2019 dated 27/12/2019 under Sections 498A/304B/34 of the Indian Penal Code;

And

In re: Kabita Mondal @ Kabita Mondal & Anr.

... petitioners.

Mr. Soupal Chatterjee

... for the petitioners.

Mr. Bidyut Kumar Roy

Mr. Mirza Firoz Ahmed Begg

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. They are the sisters-in-law of the victim. The allegations are *omnibus* in nature. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statements of the witnesses and the post mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when upon completion of investigation charge sheet has been submitted and since, *prima facie*, there is no likelihood that they would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Kabita Mondal @ Kobita Mondal and 2. Lipi Mondal** will 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, 1973 with a further condition that the petitioners shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.2693 of 2021 is, accordingly, 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.)