

68.
27-08-2021
(ct. no.32)
KOLE
Allowed

CRM 2823 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali Police Station** Case No. **760 of 2020** dated **14.10.2020** under Sections **498A/306/34** of the Indian Penal Code.

- A n d -

In the matter of : Moti Mondal

.... Petitioner.

Mr. A. Islam,
Mr. S. Mukherjee,

... For the Petitioner.

Mr. T. Kr. Ghosh,
Mr. A. Sen,

... For the State.

The petitioner is the father-in-law of the victim lady who, it is stated, was about 16 years old when the incident happened.

The petitioner says that the victim lady committed suicide. He had no role to play in her death. He has been falsely implicated. Charge sheet has been filed. He need not be taken into custody for interrogation. He is ready, willing and prepared to cooperate with further investigation, if any.

We have seen the material in the case diary including statements of witnesses recorded under Section 161 of the Code. Nothing specific, *prima facie*, emerges against the present petitioner. The husband of the victim girl is in custody.

On an overall assessment of the nature of allegations against the petitioner and the extent of possible complicity of

the petitioner in the alleged offence and keeping in mind that charge sheet has already been filed, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he is prepared to cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioner 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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2823 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)