

CRM 2828 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kankartala Police Station Case No.68 of 2020 dated 28-11-2020 under Sections 448/323/325/308/354/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Sabita Ghosh & Ors.

.... Petitioners.

Mr. Kunal Ganguly

... For the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

... For the State.

The petitioner nos.1 and 2 are respectively the wife and daughter of the principal accused, Dilip Ghosh. The petitioner nos.3 and 4 are Dilip's nephew. Learned advocate for the petitioners says that Dilip was arrested and has been enlarged on bail by the learned trial Court. He says that the alleged incident is a result of a family dispute. Investigation is complete and Charge Sheet has been submitted. Custodial interrogation of the petitioners is not necessary.

We have seen the material in the Case Diary, including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have seen the injury report. The injury does not appear to be life threatening or serious.

On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long

as they are prepared to cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, namely, **Sabita Ghosh, Sudipa Ghosh, Sanjit Ghosh** and **Kalyan Ghosh**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioners fail 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 2828 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.)**