

27.08.2021
Item no.91.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2961 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 23.03.2021 in connection with Mondarmoni Coastal Police Station Case No.21 of 2021 Dated 14.03.2021 under Sections 498A/306 of the Indian Penal Code

And

**In the matter of : Bhim Charan Khaluya
@ Bhim Charan Khalua & Anr.**

.....Petitioners.

Mr. K. K. Chakraborty,
Mr. Ashoke Halderfor the Petitioners.

Mr. Tanmoy Kr. Ghosh,
Ms. Seema Biswasfor the State.

Learned Advocate for the petitioners submits that he is not pressing this application for anticipatory bail insofar as the petitioner no.1 is concerned since he has already been taken into custody.

Accordingly, the application is dismissed insofar as the petitioner no.1 is concerned.

The petitioner no.2 is the mother-in-law of the victim lady. She says that the victim committed suicide. She had no role to play in the death of the victim.

We have seen the material in the case diary including the statements recorded under Section 161 of the Code of Criminal Procedure. The allegations are general and omnibus in

nature. Prima facie, there is nothing on record to specially implicate the petitioner no.2. Investigation is in progress. The petitioner no.2 says that she is fully ready, willing and prepared to cooperate with the Investigating Officer in all possible manners.

On an overall assessment of the material on record and the facts and circumstances of the case as well as the possible extent of involvement of the petitioner no.2 in the alleged offence, we are of the opinion that immediate custodial interrogation of the petitioner no.2 may not be necessary so long as she cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner no.2 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 no.2 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.2961 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.)