

CRM 3048 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Airport Police Station Case No.86 of 2019 dated 15-06-2019 under Sections 498A/306/120B of the Indian Penal Code.

- A n d -

In the matter of : Samir Biswas

.... Petitioner.

Ms. Anwasha Halder

... For the Petitioner.

Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas

... For the State.

The case was initiated under Sections 498A/306/120B of the Indian Penal Code. Charge Sheet has been filed against this petitioner under Section 498A of the Indian Penal Code.

This is the second application of the petitioner praying for anticipatory bail. The changed circumstance, according to him, is that Charge Sheet has been submitted by deleting certain sections of the Indian Penal Code.

The petitioner is the brother-in-law (husband's sister's husband) of the victim who committed suicide.

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 of torture on the victim are general and omnibus against all the relatives of the victim's husband.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, 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, namely, **Samir Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

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 3048 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.**)