31.05.2021
Item no.60
Court No.28
Sn/srm
Partly Allowed

C.R.M. 3139 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Nepal Patra & Ors.

.... petitioners

Mr. Suman De

....for the Petitioners

Mr. P.K. Dutta
Mr. S.S. Imam
Mr. S. Roy

..... for the State

Apprehending arrest in connection with Chandipur Police Station Case No.249/2020 dated 14.10.2020 under Sections 498A/306/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in an alleged incident which occurred about 9 years after the marriage of the petitioner No.1 with the deceased. He further submits that the deceased committed suicide consuming poison at her paternal house. The petitioners were not present at the place of occurrence. There are no incriminating materials against them and in view thereof, custodial interrogation of the petitioners is not necessary.

The learned Advocate for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

We have heard the learned Advocates appearing for the respective parties and perused the materials on record including statement of the witnesses as recorded under Section 161 of the Code. It appears that deceased left her matrimonial house on 27th September, 2020 and on 9th of October, 2020 she consumed poison. The complaint was lodged by the deceased father about 5 days thereafter.

Considering the nature of allegations as levelled and the extent of complicity of the petitioner No.1, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The petitioner No.2 is the father-in-law, the petitioner No.3 is the mother-in-law, the petitioner No.4 is the sister-in-law and the petitioner No.5 is the brother-in-law of the deceased. *Prima facie*, no overt act has been attributed to the said individuals and bearing in mind the fact that the deceased committed suicide at her paternal house, we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Kanailal Patra, Tapasi Patra, Archana Patra and Gopal Patra** shall be released on anticipatory 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.

The petitioner Nos.2 and 5 shall meet with the investigating officer once in a week on and from 05.06.2021 until further orders.

Accordingly, the application for anticipatory bail being CRM No.3139 of 2021 is disposed of.

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

(Shampa Sarkar, J.) **(Tapabrata Chakraborty, J.)**