

27.09.2021
Item no.59
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3229 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 08.04.2021 in connection with Jiaganj Police Station Case No. 239 of 2020 dated 01.11.2020 under Sections 498A/306/34 of the Indian Penal Code.

And

In the matter of : Samapta Mandal @ Samapata

Mondal @ Mandal.

.....Petitioner.

Mr. Tapodip Gupta, Advocate,
.....for the Petitioner.

Mr. Bidyut Kr. Roy, Advocate,
Ms. Rita Datta, Advocate,
.....for the State.

The petitioner is the second husband of the victim who is alleged to have committed suicide by hanging herself.

The allegation is of torturing the victim and instigating her to commit suicide.

We have seen the statements of neighbours recorded under Section 161 of the Code of Criminal Procedure. The allegations are general. There is nothing specific. Charge-sheet has been submitted upon completion of investigation.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he is prepared to co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioner namely **Samapta Mandal @ Samapata Mondal @ Mandal** 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 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 CRM 3229 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.)