

13.08.2021

Sl. No. 145

Srimanta

Ct. No. – 32

D/L

CRM/3302/2021

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 for apprehension of arrest in connection with Bhagwanpur Police Station Case No. 62/2021 dated 06.03.2021 under Section 498A/326/307/34 of the Indian Penal Code and add Section 306 of the Indian Penal Code.

In the matter of : Bhabani Das.

... petitioner.

Mr. Arup Kumar Bhowmick, Adv.

...for the petitioner.

Mr. Tanmay Kumar Ghosh, Adv.,

Ms. Sima Biswas, Adv.

...for the State.

Leave is granted to the petitioner to correct the cause title of the petition.

The petitioner is the married sister-in-law of the victim lady.

It is stated that the petitioner got married 17 years ago and since then has been residing at her matrimonial home. He hardly had any interaction with the victim. All the other accused persons including the in-laws and husband of the victim have been granted bail by the learned Court below.

The State opposes the prayer for anticipatory bail. However, charge-sheet has already been filed.

We have considered the material in the Case Diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

On an overall assessment of the facts and circumstances of the case and the material on record and

since charge-sheet has already been filed, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner 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 C.R.M. No. 3302 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)