

11.06.2021

(Sl. No. 75)

Ct. No. 28

(S. Banerjee/TB)

CRM 3784 of 2021

(through Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.05.2021 in connection with Kalyani Police Station Case No. 32 of 2020 dated 28.01.2020 under Sections 498A/304/34 of the Indian Penal Code, 1860.

And

In the matter of: Avijit Das @ Abhijit Das & Ors.

...petitioners

Mr. Shibaji Kumar Das

... for the petitioners

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... for the State

Counsel for the petitioner submits that the allegations against his client are unfounded.

It is submitted that the death of the victim occurred in her paternal house and that too as a result of myocardial infraction. It is further submitted and the postmortem report indicates that there are no external or internal injuries on the victim.

Since the petitioners have been cooperating with the investigation, the relief under Section 438 of the Code of Criminal Procedure must be allowed to the petitioners.

Accordingly, in the event of arrest the petitioners shall be released on bail subject to satisfaction of conditions under Section 438(2) of the Code of Criminal Procedure and upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the investing officer, subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any

manner whatsoever and on further condition that the petitioners shall not enter the jurisdiction of the police station except for the purpose of the investigation and attending court proceedings and shall provide the address where they shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders. The petitioners shall surrender their passport to the investigating officer and if they do not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)