

27.08.2021
Item no. 05
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3851 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 31.05.2021 in connection with Bongaon Police Station Case No. 774 of 2020 dated 23.12.2020 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of : Kakali Biswas & Ors.

.....Petitioners.

Mr. Angshuman Chakraborty, Advocate,
Mr. S.S. Saha, Advocate,

.....for the Petitioners.

Mr. S.S. Imam, Advocate,
Mr. Subrato Ray, Advocate,

.....for the State.

The petitioners are parents-in-law and uncle-in-law of the victim lady. The petitioners say that the victim committed suicide.

The State says that the petitioners used to regularly ill-treat and torture the victim lady which prompted her to kill herself.

The State refers to statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

We have gone through the material in the case diary. Charge-sheet has been filed. The victim's husband was apprehended and then enlarged on bail.

On an overall assessment of the facts and circumstances of the case and considering the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners shall be released on 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail 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 3851 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.)

