

CRM 4245 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tapan Police Station Case No.72 of 2021 dated 11-03-2021 under Sections 498A/304B/34 of the Indian Penal Code.

- A n d -

In the matter of : Jiten Barman & Ors.

.... Petitioners.

Mr. Sayan De,
Mr. Kaustuv Shome,
Mr. Sayan Kanjilal

... For the Petitioners.

Mr. Debabrata Chatterjee, learned APP,
Mrs. Manashi Roy

... For the State.

This application for anticipatory bail is not pressed on behalf of the petitioner no.3, as we are told that he was arrested and then released on regular bail. The application is dismissed as regards the petitioner no.3.

The petitioner no.1 is the father-in-law and the petitioner no.2 is the married sister-in-law of the victim lady, who, according to the petitioners, died accidentally. Their case is that the victim suffered from severe epileptic seizures. On the day of the incident, she went to the pond to wash utensils. At that point, there was an attack of epilepsy and the victim fell into the pond and drowned.

The State draws our attention to statements of neighbours recorded under Section 161 of the Code. The allegations in such statements are general in nature. We have also seen the Post Mortem report. The cause of death is stated to be drowning. No external injury has been noted in such report.

We are told that the husband and the mother-in-law of the victim have been granted bail by the learned trial Court. Charge-sheet has been submitted.

On an overall assessment of the material on record and the possible degree of complicity of the petitioner nos.1 and 2 in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner nos.1 and 2 is not necessary.

Accordingly, in the event of arrest, the petitioner nos.1 and 2, namely, Jiten Barman and Arati Barman (Mandal) respectively, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner nos.1 and 2 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner nos.1 and 2 fail to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 4245 of 2021 is, thus, **disposed of**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**