

16.12.2021
Item no.556
Court No.32
Avijit Mitra

C.R.M. 4314 of 2021 (Through video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Samir Bag & ors.

.... petitioners

Mr. Sudip Banerjee,
Mr. Sanjay Kumar Das

....for the petitioners

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen

..... for the State

Apprehending arrest in connection with Ghatal Police Station Case No.69 of 2021 dated 08.03.2021 under Sections 498A/506/304/406/34 of the Indian Penal Code, the present application has been preferred.

On the prayer of the learned advocate appearing for the petitioners the present application so far as the petitioner no.1 is concerned is dismissed as infructuous.

He further submits that the petitioners are the in-laws of the victim who died due to brain tumor and they have been roped in only on the basis of mere suspicion. Upon completion of investigation chargesheet has also been submitted. The FIR was initially registered under Sections 498A/506/304/406/34 of the Indian Penal Code and upon completion of investigation chargesheet has been filed under Sections 498A/34 of the Indian Penal Code. In the said conspectus, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statements of the mother of the victim lady, as recorded under section 164 of the Code.

Prima facie, from the materials on record it appears that the victim was suffering from brain tumor. Considering the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary more so when, there is no likelihood that the petitioners would flee from justice or would delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Laxmi Bag, Smt. Chhanda Bag, Naba Bag @ Nabakumar Bag, Sudha Bag, Smt. Jhuma Santra @ Soma Santra and Binoy Santra @ Binay Santra**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioners shall attend the learned Trial Court on all the dates as fixed for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4314 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)