

15.09.2021
Item no.06
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 4573 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 07.07.2021 in connection with Titagarh Police Station Case No. 39 of 2021 dated 17.01.2021 under Sections 498A/406/306 of the Indian Penal Code.

And

In the matter of : Dipali Swarnakar @ Dipali

Swarnokar & Anr.

.....Petitioners.

Mr. Kaustav Singh, Advocate,
Mr. Debayan Ghosh, Advocate,

.....for the Petitioners.

Mr. Bidyut Kr. Roy, Advocate,
Ms. Rita Datta, Advocate,
Mrs. Kumkum Mitra, Advocate,

.....for the State.

The petitioners are the mother-in-law and father-in-law of the victim lady. The petitioners say that they had no role to play in the suicide of the victim. The victim found out that her husband was having illicit relationship with another lady. This prompted the victim to kill herself by consuming poison. The husband of the victim has been enlarged on bail by the learned

Trial Court. The brother-in-law and sister-in-law of the victim have been granted anticipatory bail by this Court.

We have seen the material in the case diary including the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure. The allegations are of general nature and mostly against the husband of the victim.

On an overall assessment of the material on record and the possible extent of complicity of the present petitioners in the alleged offence, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners namely **Dipali Swarnakar @ Dipali Swarnokar and Mantu Kumar Swarnakar @ Montu Swarnokar @ Mantu Swarnakar** 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 4573 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.)