

07.12.2021
Item no.181
Court No.32
Avijit Mitra

C.R.M. 4994 of 2021

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

And

In Re : Tumpa Panja @ Tumpa Roy & anr.
.... petitioners

Ms. Devi Priya Mitra
....for the petitioners

Mr. Bidyut Roy,
Ms. Ratna Ghosh
..... for the State

Apprehending arrest in connection with Shyampur Police Station Case No.198 of 2021 dated 16.05.2021 under Sections 498A/326/307/406/313/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application is filed praying for anticipatory bail.

Ms. Mitra, learned lawyer appearing for the petitioners submitted, that allegation is omnibus in nature and materials are not sufficient to implicate the present petitioners. Accordingly, anticipatory bail should be granted as the instant allegation and the stage of investigation do not warrant custodial detention.

Per contra, learned lawyer representing the State Mr, Roy submitted, that there are strong incriminating elements against the present petitioners.

He further submitted that there are allegations of abortion and inflicting burn injuries against the present petitioners. Investigation is still in progress. Therefore, anticipatory bail should not be granted.

We have heard rival submissions and perused the case diary. We find that dates of medical report *prima facie* are not corroborative. No other medical reports are there to corroborate the allegations raised in the written complaint although incriminating elements are there. Considering its nature, extent and gravity of allegations, we are of the considered opinion that custodial interrogation of the present petitioners are not necessary. Therefore, we are inclined to allow the anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Tumpa Panja @ Tumpa Ray and Kartick Panja**, 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 with further direction that the petitioners shall meet the investigating officer once in a week till investigation is pending.

The petitioners are also directed to attend the learned trial court on all the dates, as specified 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' anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.4994 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.)