

15.09.2021
Item no.08
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 4980 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 27.07.2021 in connection with Palashipara Police Station Case No. 279 of 2021 dated 17.07.2021 under Sections 498A/307/34 of the Indian Penal Code.

And

In the matter of : Pradip Kar & Ors.

.....Petitioners.

Mr. Shataroop Purkayastha, Advocate,
.....for the Petitioners.

Mr. S.S. Imam, Advocate,
Mr. S. Kundu, Advocate,
.....for the State.

The petitioner no.1 is the husband and the petitioner nos. 2 and 3 are the parents-in-law of the victim lady. The charge is of torture, dowry demand and attempt to murder.

The petitioners say that they have been falsely implicated in the case. They have not committed anything which amounts to crime under the law of the land.

We have seen the material in the case diary. The victim refused to undergo medical examination. There is no injury report. There are no specific allegations against the petitioners

in the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

On an overall assessment of the material on record and the facts and circumstances of the case as well as the possible extent of complicity of the petitioners in the alleged offence, although charge-sheet has not yet been 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 **Pradip Kar, Manotosh Kar and Krishna Karp** 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 4980 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.)