

22.11.2021

Sl. No. 91

Court No.29

BM

CRM 5373 of 2021

(Via Video Conference)

In Re: An application for Anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Beliaberah Police Station case No.75 of 2020 dated 11.08.2020 under Sections 498A/306/34 of the Indian Penal Code corresponding to G.R case No.629 of 2020.

And

In the matter of: Aswini Bera & Anr.

... Petitioners

Mr. Mrityunjoy Chatterjee

Mr. Bhaskar Hutait ... for the petitioners

Mr. Debabrata Chatterjee, Learned APP

Ms. Moushumi Sarkar ... for the State

The petitioners are seeking release on anticipatory bail on any condition. It is submitted by the learned advocate for the petitioners that the deceased wife of the brother of the petitioner no.1 committed suicide by taking poison after 16 years of her marriage and that the petitioners are no way involved in this matter. It is submitted that the charge sheet has already been submitted and no custodial interrogation required.

On the other hand the learned advocate for the State invites our attention to the case diary on various pages including the statement of the witnesses and submits that since the husband of the deceased being the brother of the petitioner no.1 had developed illicit relationship with the petitioner no.2 wife of the petitioner no.1 the deceased wife of the brother of petitioner no.1 had committed suicide.

Having gone through the complaint, we find that the allegations against the present petitioners are omnibus in nature.

Accordingly, we are inclined to admit the petitioners on anticipatory bail.

In the event of arrest the petitioners may be admitted on bail upon furnishing bond of Rs.5,000/- with two sureties of like amount, one of whom has to be local to the satisfaction of the arresting Officer, subject to condition under Section 438(2) of the Code of Criminal Procedure on further condition that the petitioners shall cooperate with the investigating authority as and when require to do so.

The Application for anticipatory bail being CRM 5373 of 2021 is, thus, allowed and disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Krishna Rao, J.)

(Shivakant Prasad, J.)