

16. 15.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 5438 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **13/08/2021** in connection with **Ranitala Police Station Case No. 208/2021** dated **01/06/2021** under Sections **498A/325/307/34** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: - **Bibhuti Kumar Saha & Ors.**

...petitioners.

Mr. Debapriya Samanta,
Mr. Snehasish Mukherjee

...for the petitioners.

Mr. Tanmay Kr. Ghosh,
Mr. Arabinda Manna

...for the State.

The petitioner no.1 is the father-in-law, the petitioner no.2 is the mother-in-law and the petitioner no.3 is the married sister-in-law of the victim lady.

Learned Advocate for the State submits that charge-sheet has been submitted and the petitioner no.1 is not named in the charge-sheet. For such reason, learned Advocate for the petitioners does not press this application insofar as the petitioner no.1 is concerned and the application stands **dismissed as not pressed** as regards the petitioner no.1, *viz.*, **Bibhuti Kumar Saha.**

The other petitioners say that the allegations of torture and dowry demand and attempted murder made against them are false. The petitioner no. 3 lives separately from the victim.

She is eight months pregnant. The petitioner no. 2 is also an aged lady. They treated the victim as the household daughter.

We have seen the statement of the victim lady in the Case Diary. The allegations are general and omnibus in nature. There is no medical report of any injury having been suffered by the victim. Charge-sheet has already been submitted.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner nos. 2 and 3 is not necessary.

Accordingly, in the event of arrest, the petitioners, *viz.*, **2. Arati Saha, 3. Chitra Saha** 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.

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 being C.R.M. 5438 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)