

19. 24.09.2021  
Ct.32  
Tanmoy

**C.R.M. 5447 of 2021**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **16/08/2021** in connection with **Kharagpur Local Police Station Case No. 216 of 2021** dated **27/03/2021** under Sections **498A/302/34** of the Indian Penal Code.

And

In the matter of: - **Uttam Maity & Ors.**

...petitioners.

Mr. Apalak Basu,  
Mrs. Pritha Bhowmik Basu,  
Ms. Snehal Seth

...for the petitioners.

Mr. Saibal Bapuli, Ld. A.P.P.,  
Mr. Imran Ali,  
Mr. M.F. Ahmed Begg

...for the State.

The petitioner no.1 is the husband, the petitioner no.2 is the brother-in-law and the petitioner nos. 3-5 are the sisters-in-law of the victim.

The petitioners say that they have no role to play in the death of the victim. The victim, after 23 years of marriage, consumed poison and killed herself due to some financial crisis.

We have seen the material in the Case Diary including the statements of witnesses. The son of the petitioner no.1 and the victim has recorded his statement under Section 161 of the Code of Criminal Procedure. Investigation is in progress and charge-sheet is yet to be submitted.

On an overall consideration of the material on record and the possible extent of complicity of the petitioner no.1 in the

alleged offence, we are not inclined to allow the prayer of the petitioner no.1 for anticipatory bail.

The application for anticipatory bail is **dismissed** insofar as the petitioner no.1, *viz.*, **1. Uttam Maity**, is concerned.

Insofar as the other petitioners are concerned, we do not find *prima facie*, any direct implication of those petitioners. We are of the view that immediate custodial interrogation of the petitioner nos.2-5 is not necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **2. Tapan Maity, 3. Urmila Maity, 4. Abola Maity, 5. Tuli Maity** 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 for anticipatory bail being C.R.M. 5447 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.)**