

10.12.2021

Court No.32
rpan / 176

CRM 5871 of 2021

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

And

In Re : **Binarani Sarkar & Others**

- Petitioners

Mr. ApSourav Paul

... for the Petitioners.

Mr. Bidyut Kumar Roy,

Ms. Sima Biswas

... for the State.

Apprehending arrest in connection with Harirampur Police Station Case No.200 of 2020 dated 14.10.2020 under Sections 498A/307/323 of the Indian Penal Code, 1860 read with Section 4 of the Dowry Prohibition Act, the petitioners have filed the present application.

Mr. Paul, learned advocate appearing for the petitioners submits that all the petitioners are the in-laws of the victim lady. They were all granted anticipatory bail by the learned sessions judge on 2nd January, 2021 and were asked to surrender before the court of the learned Additional Chief Judicial Magistrate, Gangarampur, Dakshin Dinajpur within a period of thirty days. Due to miscommunication of the said order to the petitioners, they could not surrender within the stipulated period and their prayer for extension of time to surrender was also rejected. He further submits that the ingredients of Section 307 of the Indian Penal Code are not attracted in respect of the petitioners. On the basis of unfounded allegations, the petitioners have been sought to be implicated and the principal accused, being the husband of the

victim lady, has already been enlarged on bail. Upon completion of investigation charge sheet has also been submitted. As such, custodial interrogation of the petitioners is not warranted.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses. However, he submits that there is no medical report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been filed.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Binarani Sarkar, 2. Jharna Sarkar, 3. Ratna Sarkar, 4. Chandana Sarkar, 5. Mona Biswas @ Manoj Biswas and 6. Mukul Biswas @ Sanat Biswas**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 5871 of 2021 is, thus, 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.)