

10.12.2021
Item no.182
Court No.32
ss

C.R.M. 5944 of 2021

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

And

In Re : Sujit Kumar Sarkar alias Sujit Sarkar & ors.
.... Petitioners

Ms. Minoti Gomes
....for the petitioners

Mr. S.G. Mukherjee, Ld. P.P.
Mr. F. Hossain
Mr. Aniket Mitra
..... for the State

Apprehending arrest in connection with Nabadwip Police Station Case No.125 of 2020 dated 5.4.2021 under Sections 498A/326/307/306/302/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners are the in-laws of the victim lady, who committed suicide about eight years after her marriage with one Biswajit Sarkar.

It was alleged that Biswajit Sarkar had an immoral relationship with one lady and on such issue the dispute had occurred. Upon completion of the investigation, charge-sheet has been submitted and the allegations are omnibus in nature. In view thereof, the petitioners' custodial interrogation is not warranted.

Mr. Mitra, learned Advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the daughter of the victim lady, as recorded under Section 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the statement of the victim's daughter as recorded under Section 164 of the Code, 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 warranted, more so when, upon completion of investigation charge-sheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sujit Kumar Sarkar alias Sujit Sarkar, Sumitra Sarkar** and **Bholanath Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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 with further condition that the petitioners shall attend the learned trial court on all the dates, as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.5944 of 2021 is 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.)