

14.12.2021
Item no.208
Court No.32
Avijit Mitra

C.R.M. 6045 of 2021

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

And

In Re : Ajay Ghosh

.... petitioner

Mr. Milon Mukherjee, Sr. Adv.,

Mr. Aritra Bhattacharya

....for the petitioner

Mr. Avik Ghatak

..... for the State

Apprehending arrest in connection with Raiganj Police Station Case No.208 of 2021 dated 01.04.2021 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the petitioner's wife committed suicide and the petitioner has been falsely implicated. The allegations are omnibus in nature. The victim lady gave birth to a child, who is suffering from an ailment which makes it impossible to sit on his own without support. The said child presently is in the custody of the petitioner herein. In the said conspectus, custodial interrogation is not warranted, more so when co-accused persons, similarly situated with the petitioner, have already been granted anticipatory bail by a Coordinate Bench of this Court on 1st September, 2021.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the *post-mortem* report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioner in the alleged offence and as the ailing child is presently in the custody of the petitioner, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ajay Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 a further condition that the petitioner shall cooperate with the investigation and meet with the investigating officer as and when called for.

The petitioner shall attend the learned Trial Court on all the dates as fixed for hearing.

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

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 6045 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.)