

CRM 6463 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Pijush Pal @ Biltu Pal & Anr.**

..... petitioners

Ms. Oindrila Ghosh

.....For the petitioners

Mr. S. G. Mukherji, Ld. PP

Mr. Partha Pratim Das

Ms. Manasi Roy

.....For the State

On the prayer of the learned advocate for the petitioners, leave is granted to make necessary corrections in the cause title as well as the prayer portion.

Apprehending arrest in connection with Nabadwip Police Station Case No. 166 of 2021 dated 04.05.2021 under Sections 498A/304B/120B of the Indian Penal Code, 1860, the present application has been preferred.

Learned advocate appearing for the petitioners submits that the petitioner no. 2 is the married sister-in-law of the victim and the petitioner no. 1 is the husband of the petitioner no. 2. They have been falsely implicated in the alleged incident. The complaint was lodged about two months after the alleged incident. One brother-in-law and maternal uncle-in-law of the victim have already been granted anticipatory bail by a coordinate Bench of this Court on 23rd November, 2021 in CRM 7426 of 2021. The husband and the mother-in-law have also been granted bail by the learned

Court below and upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not warranted.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, the medical report and the post mortem report.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the medical report 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 also been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Pijush Pal @ Biltu Pal** and **Soma Pal** 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 not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 6463 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.)