

16.12.2021
Sl. No.107
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[ALLOWED]

C. R. M. 6615 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 30.09.2021 in connection with Raghunathpur Police Station Case No. 71 of 2021 dated 12.07.2021 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: ***Shyamapada Dhibar @ Shyama Dhibar & Anr.***
... .. Petitioners

Mr. Madhusudan Mandal
... .. for the petitioners

Mr. S.G. Mukherjee, Ld. P.P
Mr. Partha Pratim Das
Mrs. Manasi Roy
... .. for the State

It is submitted on behalf of the petitioners that they are neighbours of the victim and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Keeping in mind the fact that the petitioners are not related to the husband of the victim house wife and as Section 113 A and Section 113B of the Evidence Act are not attracted in the facts and circumstances of the case, so far the petitioners are concerned we are of the opinion whether the conduct of the petitioners constitute abetment concerned to suicide requires to be assessed during trial. However, in view of the aforesaid factual matrix, we are of the opinion custodial interrogation is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)