

25.11.2021
Court No.32
Item No. 05
Krishnendu
Allowed

**C.R.M. 6903 of 2021
(Via Video Conference)**

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

In re: **Sujit Dhali**

Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Susnigdho Bhattacharyya

For the Petitioner

Mr. P.K. Dattta, Id. A.P.P.
Mr. Subrato Roy

For the State

Apprehending arrest in connection with Gaighata Police
Station Case No. 217 of 2021 dated 15.03.2021 under
Sections 498(A)/306 of the Indian Penal Code, 1860, the
present application has been preferred.

Mr. Chatterjee learned advocate appearing for the
petitioner submits that the petitioner is the husband of the
victim and he has been falsely implicated. The alleged
incident occurred about 22 years after the marriage and the
petitioner has two daughters, aged about 15 years and 20
years respectively, who are presently residing with him. The
petitioner's mother had already been granted bail by the
learned Sessions Court. In the said conspectus, custodial
interrogation of the petitioner is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statements of the petitioners' daughters, as recorded under section 164 of the Code of Criminal Procedure as well as 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 and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Sujit Dhali**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a condition that the petitioner shall meet with the Investigating Officer once a week on and from 6th December, 2021 till the investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

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

cause, the learned Court below would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6903 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)