CRM No.6921 of 2021

Via video conference

16.12.21
(S.R.)
Sl.584
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Patashpur** Police Station Case No.323 of 2021 dated 26/07/2021 under Sections 498A/323/307/506/34 of the Indian Penal Code and added Section 306 of the Indian Penal Code;

And

In re: Gourhari Maity @ Uttam Maity & Anr. ... petitioners.

Mr. Jayanta Narayan Chatterjee
Mrs. Moumita Pandit
Mr. Nazir Ahmed
Mr. Supreem Naskar
Ms. Jayashree Patra
Mr. Subhradeep Koley ... for the petitioners.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan ...for the State.

Mr. Chatterjee, 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. No overt act has been attributed to them. Co-accused persons, similarly situated with the petitioners, had already been granted anticipatory bail by this Court on 25th November, 2021 in CRM No.7145 of 2021.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and since, *prima facie,* the petitioners are similarly situated with the other co-accused persons, who have been granted anticipatory bail, we allow the petitioners' prayer for anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Gourhari Maity @ Uttam Maity and 2. Gayatri Maity** will

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 intimidate the witnesses 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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.6921 of 2021 is, accordingly, 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.)**