

11.11.2021

CRM 6952 of 2021

**Court No.28
Item No.34
(Allowed)**

Akd

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bagdah Police Station Case No. 577 of 2020 dated 24.09.2020 under Sections 341/323/306/34 of the Indian Penal Code;

And

In the matter of : **Mrs. Sumati Roy & Ors.**
...Petitioners

Mr. Mrityunjoy Chatterjee,
Mr. Susnigddho Bhattacharyya.
...For the Petitioners

Mr. Rana Mukherjee,
Ms. Sujata Das,
Ms. Debjani Saha.
...For the State.

The instant application for anticipatory bail has been taken out by the petitioners apprehending arrest in connection with Bagdah Police Station Case No. 577 of 2020 dated 24.09.2020 under Sections 341/323/306/34 of the Indian Penal Code.

Learned Lawyer for the petitioners submits that the petitioner no. 2, *Bina Roy*, wife of *Provash Roy* lodged a First Information Report at Bagdah police station and the same was registered under Section 498A of the Indian Penal Code against some of the family members of her matrimonial home. Learned Lawyer further submits that the deceased died otherwise not because of any abetment made by the petitioners. Under such circumstances learned Lawyer submits that the benefit under Section 438 of the Code of Criminal Procedure may be extended to the petitioners.

Learned Lawyer appearing for the State vehemently opposes the prayer for anticipatory bail. Learned Lawyer submits that it is a matter of concern that two family members of the matrimonial home of the petitioner committed suicide. Learned Lawyer emphasizes that because of the constant instigation on the part of the petitioner no. 3 those two family members had to resort to a path of committing suicide.

Having heard the learned Counsels appearing for the parties

and on consideration of the statements of a number of witnesses recorded under Section 161 of the Code of Criminal Procedure and the other materials as available in the case diary, we feel that the custodial interrogation of the petitioners is not required.

We are inclined to grant anticipatory bail in favour of the petitioners.

Accordingly, in the event of arrest, the petitioners, **Mrs. Sumati Roy, Mrs. Bina Roy, Mr. Sanjit Roy and Mr. Pravash Roy @ Pravhas Roy**, 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 of the concerned police station subject to the condition that the petitioner nos. 3 and 4 shall meet the Investigation Officer once in a fortnight and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners are restrained from entering into the village, where the de facto complainant resides.

The application for anticipatory bail, being **CRM 6952 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)