

24.11.2021
Court No.32
rpan / 203

C.R.M. 6954 of 2021

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

And

In re: **Biswajit Mete & Others**

- Petitioners

Mr. Sujoy Sarkar

....For the Petitioners

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

....For the State

Apprehending arrest in connection with Nanoor Police Station Case No. 167 of 2021 dated 17.09.2021 under Sections 498A/302/34 of the Indian Penal Code, 1860, the present application has been preferred.

The learned advocate appearing for the petitioners submits that all the petitioners have been falsely implicated. The petitioner no.1 was not present in his house at Birbhum on the date of the alleged incident. The petitioner no.2, who is the married sister-in-law of the victim, resides at a separate village. The petitioner no.4, who is also a sister-in-law, is suffering from mental retardation. The petitioner no.5, who is the aunt-in-law of the victim, is residing in a different district. The allegations are omnibus in nature and no overt act has been attributed. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the

statements of the witnesses, as recorded under Section 161 of the Code and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that the petitioner no.4 is suffering from mental retardation, as would be explicit from the document as annexed at page 18 of the application. The petitioner no.5 is also a resident of the district of Murshidabad. *Prima facie*, there is no likelihood that the said petitioner nos.4 and 5 would interfere with the investigation or would flee from justice. In view thereof, we are of the opinion that their custodial interrogation is not necessary and direct that in the event of arrest the petitioner nos.4 and 5, namely, **Krishna Mete** and **Soma Bagdi @ Shima Bagdi** shall be released on bail upon furnishing a bond of ₹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.

However, *prima facie* there are materials on record which clearly reveal the direct involvement of the petitioner nos.1, 2 and 3 in the alleged offence and as such, we are not inclined to exercise any discretion in their favour and their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM No. 6954 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.)