

11.11.2021

CRM 6968 of 2021

**Court No. 28
Item No.39
(ALLOWED)**

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed in connection with Jagaddal Police Station Case No. 750/2021, dated 06.10.2021 under Sections 498A/304B/406/34 of the Indian Penal Code;

And

In the matter of : **Netai Pal @ Netai Paul & Ors.**
...Petitioners

**Mr. Kaustav Bagchi,
Mr. Debayan Ghosh.**

...For the Petitioners

**Mr. Bidyut Kumar Roy,
Ms. Sima Biswas.**

...For the State.

Apprehending arrest in connection with Jagaddal Police Station Case No. 750/2021, dated 06.10.2021 under Sections 498A/304B/406/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate for the petitioners submits that the petitioners are the father-in-law, mother-in-law and sister-in-law of the deceased lady and have been implicated in connection with the aforementioned case without any semblance of truth in the allegations levelled against them. It is further submitted that the husband and brother-in-law of the victim lady had already been enlarged on bail by the Sessions Court.

Learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the lady was subjected to torture on the ground of dowry and the same is reflected from the statements of the persons recorded under Section 161 of the Code of Criminal Procedure.

After hearing the submissions of the respective parties and on perusal of the materials available from the case diary including the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, we find that there is general allegation made against all the family members of the in-laws without specifying the overt act of each of them. Furthermore, the husband of the victim

lady and his brother are already enlarged on bail.

In view of the above, we do not find any justification in custodial interrogation of the petitioners.

Accordingly, in the event of arrest the petitioners, **Netai Pal @ Netai Paul, Chhayarani Pal @ Chyarani Paul and Rina Pal @ Rina Paul** shall be released on bail on 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 with conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being **CRM 6968 of 2021**, is thus **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)