

CRM No.7145 of 2021

Via video conference

25.11.21

(S.R.)
Sl.146
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: Balai Das @ Balai Charab Das & Ors.

... petitioners.

Mr. Jayanta Narayan Chatterjee
Mr. Isif Iqbal Ahmed
Mr. Nazir Ahmed
Mrs. Nandini Chatterjee
Ms. Pritha Sinha
Mrs. Jayashree Patra
Mr. S. Naskar

... for the petitioners.

Mr. Bidyut Roy
Ms. Purnima Ghosh

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law of the victim who is suffering from physical disability and is aged about 75 years. The petitioner no.2 is the mother-in-law of the victim and she is also an aged lady. The petitioner no.3 is the younger brother-in-law of the victim who does not share the same mess. They have been falsely implicated pertaining to the incident, which occurred about 12 to 13 years after the marriage. The allegations are *omnibus* in nature and as such, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the post-mortem report and the statements of the witnesses as recorded under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, including the post-mortem report, the

statements of the witnesses as recorded under Section 161 of the Code, the nature of accusation and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that the custodial interrogation of the petitioners is not warranted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Balai Das @ Balai Charab Das, 2. Renuka Das @ Renukabala Das and 3. Vibekananda Das** 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 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 the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7145 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.)