

CRM No.7524 of 2021

Via video conference

22.12.21

(S.R.)

Sl.219

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Islampur** Police Station Case No.697 of 2019 dated 15/11/2019 under Sections 498(A)/304B of the Indian Penal Code;

And

In re: Sudhir Das & Anr.

... petitioners.

Mr. Shaharayar Aalm

... for the petitioners.

Mr. S.S. Imam

Mr. S. Kundu

...for the State.

Mr. Alam, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the victim. Both of them are aged persons. The principal accused being the husband of the victim was arrested and enlarged on bail. The allegations are *omnibus* in nature and upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Imam, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the post mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the extent of complicity of the petitioners and as, *prima facie*, there is no likelihood that they would flee from justice or delay the trial by abscondence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Sudhir Das and 2. Shikha Das @ Shikha Rani Das** 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 with a further direction that the petitioners shall attend the learned trial court on all the dates specified for hearing.

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.7524 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.)