

17.12.2021.
Sl No. 57
Ct. 28
Saswata/PA

C.R.M. 7985 of 2021

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bagnan** Police Station case No. **340** of **2021** dated **13.07.2021** under sections **498A/302/304B/34** of the IPC and Sections 3/4 of the D.P. Act.

And

In the matter of : **Pintu Maji @ Papai Maji &Ors**

.....Petitioners.

Mr. Soumyajit Das Mahapatra
Mr. Soumya Roy Chowdhury

...for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. Partha Pratim Das
Mrs. Manasi Roy

.....for the State.

Learned lawyer for the petitioners submit the petitioners are in-laws of the victim housewife. Marriage took place between the couple six years ago. They have been falsely implicated in the instant case.

Learned Public Prosecutor opposes the prayer for bail. He submits petitioners along with other accused persons had subjected the victim-housewife to torture over dowry. As a result, she suffered unnatural death. Writ proceeding has been initiated before this court alleging indifferent investigation. Direction has been issued to obtain viscera report. Viscera report is awaited.

We have considered rival submission of the parties. Petitioners are the in-laws of the victim-housewife.

Allegations against them are general and omnibus in nature. Post-mortem report does not disclose any mark of injury. However, it is undisputed victim suffered unnatural death. There is no direct evidence that the petitioners administered poison or deleterious substance to the housewife. Husband of the deceased is in custody.

Under such circumstances, keeping in mind the extent of complicity of the petitioners in the alleged crime particularly the absence of any material showing they administered poison to the deceased, we are of the opinion custodial interrogation of the petitioners in the course of further investigation, if any, would not be necessary and they may be granted anticipatory bail.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)