

19.05.2021
SL No.10
Court No.28
(gc)
(File is not available)

CRM 11032 of 2020
(Via video Conference)

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

And
In the matter of : **Khokan Debnath & Anr.**
- Petitioners

Mr. Pronojit Roy,
... For the Petitioners.
Mr. S.S. Imam,
Mr. N.P. Agarwala,
... For the State.

The learned Counsel representing the petitioners submits that the petitioner No.1 is the brother-in-law and the petitioner No.2 is the son of the petitioner No.1. It is submitted that they have been falsely implicated in this case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. However, in all fairness it is submitted that some of the co-accused persons have been granted anticipatory bail and/or bail by the High Court and by the learned Trial Court. They are the mother-in-law, sister-in-law and the husband of the victim.

Considering the materials available on record and the nature and extent of complicity of the petitioners in the commission of alleged offence and also having regard to the fact that the co-accused persons similar placed as that of the petitioners have been granted anticipatory bail and bail as we have recorded earlier, we feel that there is no necessity of any custodial interrogation of the petitioners in this case.

Having considered the materials on record and bearing in mind the general and omnibus nature of allegations and as the incident occurred eight years after marriage and the statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted in the facts of the case, we are inclined to grant anticipatory bail to the petitioners.

In allowing this application, we have taken into consideration the order passed by the Coordinate Bench in **CRM 1601 of 2020 (In the matter of : Meke Debnath @ Meko Bala Debnath & Anr.) dated 14th February, 2020.**

Accordingly, we direct that in the event of arrest the petitioners, namely, **Khokan Debnath** and **Binay Debnath** 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. Petitioners shall appear before the Investigating Officer once in a week until further orders and hand over their passports, if any, within four weeks from date. In the event they do not have passports, they shall personally appear before the Investigating Officer and furnish affidavits to that effect within the time frame mentioned hereinabove.

The application for anticipatory bail, being CRM No.11032 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)