

27.09.2021
Court No.01
Item No. 13
Allowed
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**C.R.M. 397 of 2021
(Via Video Conference)**

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

And

In Re : **Khagendra Das & Ors.**

Petitioners

Mr. Santanu Chatterjee

Mr. Asis Bhattacharyya

For the Petitioners

Mr. Nilay Chakraborty

Ms. Namrata Das

For the State

Apprehending arrest in connection with Tufanganj Police Station
Case No. 325 of 2019 dated 08.07.2019 under sections 498A/304B of
the Indian Penal Code, the petitioners have filed the present
application.

Mr. Chatterjee, learned advocate appearing for the petitioners
submits that the petitioners are the distant relatives of the victim lady.

They have been falsely implicated. The allegations are omnibus in nature. The father-in-law and mother-in-law of the deceased have already been granted anticipatory bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Ms. Das, learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the petitioners herein are similarly situated with the petitioners in C.R.M.7706 of 2020, who were granted anticipatory bail by a co-ordinate Bench of this Court.

Considering such fact, the nature of accusations 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, more so when upon completion of investigation, charge sheet has also been submitted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, **Khagendra Das, Niro Das, Narayan Das, Satyan Das and Anjali 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being C.R.M. No. 397 of 2021, is, thus, disposed of.

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

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)

