

16.12.2021
SL No.60
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 446 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Women Police Station Case No.05 of 2021 dated 27.01.2021 under Sections 498A, 302, 201 and 34 of the Indian Penal Code.

And

In the matter of : **Bimal Some & Ors.**

- Petitioners.

Mr. Arnab Sengupta,
... For the Petitioners.

Mr. Nilay Chakraborty,
Mr. Aniruddha Biswas,
... For the State

The learned Counsel appearing on behalf of the petitioners has filed a supplementary affidavit in court today be kept with the record.

In the supplementary affidavit, the petitioners have stated that the child of the deceased wife is now living under the care of the present petitioners and is suffering from various ailments. It is further submitted that Maya Rani Some, the petitioner No.2 is also suffering from various ailments. Copies of the medical treatments of the aforesaid persons are annexed to the supplementary affidavit. That affidavit was filed pursuant to the leave granted by the Coordinate Bench on 1st October, 2021.

Learned Counsel appearing for the petitioner also submits that the husband of the deceased, namely, Gupi Some alias Kamal is presently on bail. The petitioners are the in-laws of the deceased. In the petition it is urged that the daughter of the de facto complainant died due to drowning after strangulation.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having regard to the materials available on record, the medical report which states death was due to the effects of ante mortem drowning 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 principal accused is on bail, we are of the opinion that the custodial interrogation of the petitioners is not necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioners. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 meet the Investigating Officer of the case once a week until further order excepting petitioner No.2 and the petitioner No.2 shall cooperate with the Investigating Officer.

The application for anticipatory bail, being CRM No.446 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)