

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

01.10.2021

Court No.01
rpan / **15**

C.R.M. 580 of 2021

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

And

In Re : **Sri Subhas Karji & Another**

- Petitioners.

Mr. Arnab Saha

... for the petitioners.

Mr. Sourav Ganguly,

Mr. Biswarup Roy

... for the State.

Apprehending arrest in connection with Pundibari Police Station
Case No.261 of 2020 dated 15.07.2020 under Sections 498A/304B of
the Indian Penal Code, 1860, the petitioners have filed the present
application.

Mr. Saha, learned advocate appearing for the petitioners
submits that no overt act has been attributed to the petitioners, who
are the father-in-law and mother-in-law of the deceased. The
complaint was lodged two days after the alleged incident implicating
the petitioners though they were not staying together with their son
and the deceased. The petitioners' son, being the principal accused,
had already been granted bail by the learned court below. Upon
completion of investigation, charge-sheet has also been submitted and
in view thereof, the petitioners, who are aged about 51 years and 46
years respectively, may be granted anticipatory bail on any stringent
condition, more so when, there is no likelihood that they would flee
from justice.

Mr. Ganguly, learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the post-mortem report. He further submits that delay in lodging the complaint had been appropriately explained and custodial interrogation of the petitioner is necessary.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, the allegations levelled are omnibus in nature. Considering the extent of complicity of the petitioners in the alleged offence and as there is no likelihood that the petitioners would flee from justice, we are of the opinion that custodial interrogation is not warranted, more so when upon completion of investigation, charge sheet has been filed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sri Subhas Karji** and **Smt. Swapna Karji** 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 with further conditions that they shall not leave the jurisdiction of Pundibari Police Station and shall attend the learned trial court on all the dates, as specified for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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 the petitioners' bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM 580 of 2021 is allowed.

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.)