

16.06.2021.
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(Allowed).

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH IN JALPAIGURI.**

C.R.M. 633 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ghoksadanga P.S. Case No.276 of 2020 dated 21.11.2020 (G. R. Case No.843 of 2020) under Sections 498A/302 of the Indian Penal Code.

In the matter of : Pranoy Das @ Pranay Das.
... Petitioner.

Mr. Hillol Saha Poddar,
Mr. Md. Sabir Ahmed.
...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Biswarup Roy.
.....for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Ghoksadanga P.S. Case No.276 of 2020 under Sections 498A/302 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioner submits that he being a brother-in-law of the victim lady has been falsely implicated in connection with the aforesaid case although he resides at a different place than the place of

occurrence. It is further submitted that the victim lady had a love affair with his brother, who, subsequently, married her but such marriage was not accepted by his father, which led to altercation and the victim lady committed suicide. He also submits that the father and his brother being the husband of the victim lady had already been released on bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in commission of the alleged offence along with the other charge sheeted accused. It is vociferously submitted by him that the petitioner is absconding and, therefore, the application for anticipatory bail deserves to be rejected.

After hearing the respective submissions and on perusal of the materials placed before us, though the petitioner has been shown in the charge sheet but the entire allegation appears to be omnibus and common to all the co-accused, there is no specific overt act of the petitioner made or surfaced during the investigation and since the other co-accused i.e. father-in-law and the husband of the victim lady had already been enlarged on bail, we do not find any justification in not extending the privilege of anticipatory bail to the petitioner. Furthermore, charge sheet has already been submitted but the charges have not been framed as yet.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner viz., Pranoy Das @ Pranay Das, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount, one of whom must be local, subject 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 petitioner shall attend each day when the matter would be listed before the concerned Court/Magistrate, as the case may be. The default on solitary occasion without any justifiable cause shall disentitle the petitioner from immunity of arrest granted by this Court and the concerned Court would be at liberty to pass an appropriate order without any further reference to this Court.

This application for anticipatory bail is, thus, disposed of.

(Harish Tandon, J.)

(Subhasis Dasgupta,J.)