

22.02.2022

Court No.32
rpan/08

C.R.M. (A) 196 of 2022

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

And

In re: **Dasarath Sahu & Another**

- Petitioners

Mr. Amajit De

... for the Petitioners.

Mr. Pinak Kumar Mitra

... for the State.

Apprehending arrest in connection with Barikul Police Station Case No.30 dated 09.11.2021 under Sections 498A/323/406/316 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the present application.

Mr. De, learned advocate appearing for the petitioners submits that the petitioners are the parents of the principal accused. The allegations are omnibus in nature and no specific overt act has been attributed to the petitioners. The petitioners are aged persons and there is also no possibility that they would flee from justice or delay the trial by abscondence. In the said conspectus, custodial interrogation may not be necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the. Answering our query, he submits that there is no medical report pertaining to injuries, as alleged, in the case diary. However, he informs this Court that investigation is still continuing.

Having heard the learned advocates and considering the materials in the case diary, including the statement of the victim lady as recorded under Section 164 of the Code, the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, *prima facie*, there is no possibility that the petitioners would flee from justice. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Dasarath Sahu** and **Mamta Sahu** 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.

It is further directed that the petitioners shall attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 196 of 2022 is, thus, allowed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)