

15.02. 2022

Court No.32
rpan / 41

CRM (A) 276 of 2022

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

And

In Re.: **Goutam Biswas & Another**

- Petitioners

Mr. Somnath Adhikary
... for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra
... for the State.

Apprehending arrest in connection with Berhampore Police Station Case No.1102 of 2021 dated 29.09.2021 under Sections 498A/302/304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961, the petitioners have filed the present application.

Mr. Adhikary, learned advocate appearing for the petitioners submits that the petitioners are the parents-in-law of the victim. No specific overt act has been attributed to them. The victim committed suicide about three years after her marriage. The principal accused, being the petitioners' son, was arrested and subsequently, enlarged on bail. Upon completion of investigation charge sheet has also been filed and as such, custodial interrogation of the petitioners is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the allegations appear to be omnibus in nature. No specific overt act has been attributed to the petitioners herein. They are the parents-in-law of the victim and *prima facie*, there is no possibility that they would flee from justice and as such, their custodial interrogation is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Goutam Biswas** and **Minati Biswas @ Binati Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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 court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below 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) 276 of 2022 is, thus, disposed of.

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.)