

22.02.2022
Item no. 27
Court No.32
Avijit Mitra

C.R.M. (A) No. 309 of 2022

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

And

In Re : Dipankar Kumar Pramanick @ Dipankar Pramanick & anr.

.... petitioners

Mr. Ujjal Ray,
Mr. Kausik Biswas,
Ms. Paramita Maity

....for the petitioners

Mr. N.P. Agarwala,
Mr. Saryati Datta

..... for the State

Mr. Subhabrata Chowdhury,
Ms. Tripti Pandey,
Mr. Biswajit Goswami,
Mr. Pritidipta Das

....for the *de facto* complainant

Apprehending arrest in connection with Talpatighat Police Station Case No.95 of 2021 dated 27.11.2021 under Sections 306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Ray, learned advocate appearing for the petitioners submits that the principal accused is the petitioners' son, who has already been granted anticipatory bail by a Coordinate Bench of this Court on 3rd January, 2022. No specific overt act has been attributed to the petitioners herein and upon completion of investigation chargesheet has already been submitted and as such, custodial interrogation of the petitioners may not be necessary.

Mr. Chowdhury, learned advocate appearing for the *de facto* complainant vehemently opposes the petitioners' prayer

and submits that immediately after obtaining the order of anticipatory bail, the petitioners' son started threatening the *de facto* complainant and to that effect a formal complaint was lodged. In view of such conduct, the petitioners are not entitled to the relief, as prayed for.

Mr. Datta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the code.

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

It appears that the principal accused has already been granted anticipatory bail. Upon completion of investigation chargesheet has also been submitted. Whether the acts of the petitioners *per se* would constitute abetment of suicide, is a matter to be decided at the appropriate stage of the proceedings. In the said conspectus, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Dipankar Kumar Pramanick @ Dipankar Pramanick and Rita Pramanick**, 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence 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 would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 309 of 2022 is 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.)