

01.03.2022
Item no.50
Court No.32
SS

C.R.M.(A) 452 of 2022

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

And

In Re : Manas Samanta

.... Petitioner

Mr. Suman De

Ms. Pramita Banerjee

....for the petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

..... for the State

Apprehending arrest in connection with Daspur Police Station Case No.123 of 2020 dated 27.03.2020 under Sections 498A/304B/306/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act, the present application is preferred praying for anticipatory bail.

Mr. Dey, learned lawyer appearing for the petitioner submitted that the present petitioner has been falsely implicated as there is paucity of incriminating materials against him. The deceased caught fire by accident while cooking, which became fatal for her. In such circumstance, it cannot be said that the petitioner is, in any way, caused commission of any offence. He further submitted that since charge-sheet has been filed, there is no scope of custodial interrogation. Accordingly, he prays for anticipatory bail on any stringent condition.

Per contra, Mr. Arijit Ganguly, learned lawyer for the State opposed the anticipatory bail of the petitioner on the

strength of various statements of witnesses and other incriminating elements available in the case diary.

We have perused the case diary and heard the rival submissions.

Although the sweeping allegations of torture are there against the present petitioner, the statements of witnesses recorded under Section 161 indicate that the victim caught fire on her person while cooking, by accident. Medical documents also contain the notes to suggest that the victim caught fire by accident. Considering the materials available, extent of incriminating elements, complicity of the present petitioner in the offence alleged and considering the nature of offence itself and further for the reason that the charge-sheet has been filed, we are inclined to allow anticipatory bail to the present petitioner, namely, **Manas Samanta** upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 with further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel the

petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 452 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.)