

01.03.2022

Item no.51

Court No.32

ss

C.R.M.(A) 453 of 2022

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

And

In Re : Alok Samanta & ors

.... Petitioners

Mr. Soumyajit Das Mahapatra

....for the petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.

Mr. Aniket Mitra

..... for the State

Apprehending arrest in connection with Gurguripal Police Station Case No.163 of 2021 dated 16.10.2021 under Sections 498A/302/34 of the Indian Penal Code, the present application is preferred praying for anticipatory bail.

Mr. Das Mahapatra, learned lawyer appearing for the petitioners submitted that the present petitioners are in-laws of the victim. The husband is on regular bail. Incriminating elements against the present petitioners are very meagre. No necessity is there for custodial detention of the present petitioners. Referring to pages 10 to 15 of the annexure, he submitted that the victim was a psychiatric patient. She was under treatment in Midnapur Medical College & Hospital, Department of Psychiatric and medical documents, so annexed, indicate that she had a suicidal tendency. Investigation is in progress. Therefore, at this stage custodial detention of the petitioners is not necessary and he prays for anticipatory bail on any stringent condition.

Per contra, Mr. Aniket Mitra, learned lawyer for the State opposed the anticipatory bail of the petitioners and invited our attention to the statements of the witnesses and other documents available in the case diary.

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

There are sweeping allegations of torture against the present petitioners along with the husband. We have seen the statement of the daughter of the victim recorded under Section 164 of the Cr.P.C. where she stated that her mother namely, the victim was a psychiatric patient and had been undergoing treatment for this reason. Her statement is corroborated by the treatment papers of victim of the Department of Psychiatric of Government hospital which are relied upon by the learned lawyer for the petitioners and annexed to the petition itself. From the said medical papers it appears that the victim had a suicidal tendency. No incriminating material in the case diary attributes any active complicity of the present petitioners in the alleged offence.

On perusal of case diary and other materials and considering the extent of complicity of the present petitioners, nature of incriminating elements, we are of the opinion that custodial detention of the present petitioners are not necessary, more so the principal accused is on regular bail. Accordingly, we allow anticipatory bail to the present petitioners, namely, **Alok Samanta, Padma Samanta, Madhuri Adak** and **Bakul Samanta**, 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 with further condition that 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 petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 453 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.)