

08.03.2022
Item no. 33
Court No.32
Avijit Mitra

C.R.M.(A) 575 of 2022

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

And

In Re : Kartik Bhandari & ors.

.... petitioners

Mr. Kunal Ganguly

...for the petitioners

Mr. S.G. Mukherjee, Ld. P.P.,

Mr. Partha Pratim Das,

Ms. Pritha Paul

....for the State

Apprehending arrest in connection with Khayrasole Police Station Case No.109 of 2021 dated 03.12.2021 under Sections 498A/306/304(B)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Ganguly, learned advocate appearing for the petitioners submits that petitioner no.1 is the father-in-law, the petitioner no.2 is the brother-in-law and the petitioner no.3 is the sister-in-law of the victim. They have been falsely implicated in an alleged incident which stems out a matrimonial dispute between the victim and her husband. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted and as such, their custodial interrogation may not be necessary.

Mr. Das, 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 as well as the *post-mortem* report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statement of the witnesses, the nature of accusations, the manner in which the offence was committed 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, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Kartik Bhandari, Raju Bhandari and Tanushree Bhandari**, 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.

Accordingly, the application for anticipatory bail being C.R.M.(A) 575 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.)