

08.03.2022
Item no. 37
Court No.32
Avijit Mitra

C.R.M. (A) 580 of 2022

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

And

In Re : Samiran Ghosh & ors.

.... petitioners

Mr. Shibaji Kumar Das

...for the petitioners

Mr. Shiladitya Banerjee

....for the State

Apprehending arrest in connection with Chakdah Police Station Case No.746 of 2021 dated 30.12.2021 under Sections 498A/34 of the Indian Penal Code, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioners submits that petitioner no.1 is the husband and the other petitioners are the in-laws of the victim. They have been falsely implicated. The allegations are unfounded. In the said conspectus, their custodial interrogation may not be necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim lady, as recorded under Sections 161 of the Code and the contents of the complaint as well as the medical reports.

In the medical report at page 28 of the case diary, it has *inter alia* been stated that the victim was administered anti-allergic medicines and that she had psychiatric problem. Considering the nature of accusations and the possible extent of

complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Samiran Ghosh, Rita Ghosh, Tilak Ghosh and Sarbani Ghosh**, 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) 580 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.)

