

11.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2118 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **50** of **2022** dated **04.02.2022** under Sections 498A/304B/120B of the Indian Penal Code, 1860.

And

In Re : Pratap Mandal @ Pradip & Ors.

..... petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmik

....for the petitioners

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners that, the husband was granted bail by the Jurisdictional Court. The petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case dairy including the post mortem report of the victim.

The post mortem report of the victim records that the death was due to effect of hanging ante mortem in nature. The post mortem report notes an injury on the body of the victim as one oblique non-continuous ligature mark placed high up around the neck with a gap.

Considering the post mortem report of the victim and considering the fact that the husband was enlarged on bail by the Jurisdictional Court and considering the materials in the case diary, the gravity of the offence and the involvement of the petitioners therein, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that that the petitioner nos. 1 (Pratap Mandal @ Pradip) and 2 (Sampad Mandal @ Shyampada) shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 3 (Prajapati Mandal) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)