

CRM No.3903 of 2021

Via video conference

10.03.22

(S.R.)

Sl.144

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Taherpur** Police Station Case No.64 of 2021 dated 25/03/2021 under Sections 498A/304(B)/34 of the Indian Penal Code;

And

In re: Anil Sarkar @ Mondal and Anr.

... petitioners.

Ms. Minoti Gomes

... for the petitioners.

Mr. Suswata Gopal Mukherjee, PP

Ms. Faria Hossain

Mr. Aniket Mitra

...for the State.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners are the parents-in-law of the victim lady who committed suicide by hanging. No specific overt act has been attributed to the petitioners. The principal accused is the husband, who is already in custody. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation may not be necessary. No proclamation has also been issued against the petitioners.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 as well as the post mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the allegations appear to be *omnibus* in nature. 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, more so when upon

completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Anil Sarkar @ Mondal** and **2. Lakshmi Sarkar @ Mondal** will be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, 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 a further condition that the petitioners shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses 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 their anticipatory bail without any further reference to this Court.

The application for anticipatory bail being CRM No.3903 of 2021 is, accordingly, 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.)