

76 29.06.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 3072 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. **84 of 2022** dated **02/03/2022** under Sections **498A/326/307/304B/302/34** of the Indian Penal Code and Section **4** of the D.P. Act.
And

In the matter of: Nikhil Mandal & Ors.

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the husband is in custody. The police filed charge sheet and, therefore, custodial interrogation of the petitioners is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure immediately prior to her death as also to her injury reports. He also refers to the materials in the case diary.

In the statement of the victim recorded on March 3, 2022 prior to her death, the victim implicates her husband.

The allegations against the petitioners are *omnibus* in nature. The police filed charge sheet.

In such circumstances, 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/- (Rupees Ten Thousand Only) each with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 3072 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)