

CRM 6455 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Ganga Mondal & Ors.**

..... petitioners

Mr. Amanul Islam
Mr. Sourav Mukherjee

.....For the petitioners

Mr. Gautam Banerjee

.....For the State

Apprehending arrest in connection with Tehatta Police Station Case No. 346/2021 dated 30.06.2021 under Sections 498A/302/34 of the Indian Penal Code, the instant application for anticipatory bail is filed.

The learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 2 are the married sisters-in-law of the victim and the petitioner no. 3 is the son of the petitioner no. 2. They have been falsely implicated in an alleged incident which occurred about 19 years after the marriage of the victim. Co-accused persons, similarly situated with the petitioners, have already granted anticipatory bail by a co-ordinate Bench of this Court. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not warranted.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to post mortem report and the statements of the witnesses.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary, moreso when upon assessment of the materials on record, we find that the petitioners are similarly situated with the co-accused persons who had already been granted anticipatory bail by a co-ordinate Bench of this Court.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Ganga Mondal**, **Jamuna Biswas** and **Sukanta Biswas** shall 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 6455 of 2021, is, thus, 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.)