

13.01.2022
Ct. No. 32
Sl. No.301
akd

C. R. M. 7560 of 2021 [via video conferencing]

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

And

In Re: **Ashok Ghosh & Ors.**

... .. Petitioners

Mrs. Manasi Roy

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Ms. Faria Hossain

Mr. Aniket Mitra

... .. for the State

Apprehending arrest in connection with Madhabdihi Police Station Case No.197 of 2021 dated 28.09.2021 under Sections 498A/306/34 of the Indian Penal Code, the present application has been preferred.

Mrs. Roy, learned advocate appearing for the petitioners, submits that the petitioner nos.1 and 2 are the parents-in-law of the victim and the petitioner no.3 is the sister-in-law of the victim. They all have been falsely implicated. No specific overt act has been attributed to the petitioners. The principal accused being the husband namely, Animesh Ghosh has already been granted anticipatory bail by a coordinate Bench of this court. In view thereof, the petitioners' custodial interrogation is not warranted.

Mr. Mitra, learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to several documents in the case diary. Answering a query of this court, he submits that investigation is still continuing.

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

It appears that the principal accused being the husband of the de-facto complainant has already been granted anticipatory bail. We have assessed the role of the petitioners herein. Considering the nature of accusations, the extent of their complicity and as, prima facie, there is no possibility that the petitioners would free from justice or delay the trial by abscondence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, **(1) Ashok Ghosh, (2) Mithu Ghosh & (3) Dona @ Amrita Ghosh**, 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 a local, 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.

It is further directed that the petitioners shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail, being CRM 7560 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)

