

06.01.2022

Court No.32
rpan / 17

CRM 7922 of 2021

[through Video Conferencing]

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

And

In Re.: **Susanta Mondal @ Sushanta Mondal & Another**
- Petitioners

Mr. Tanmoy Basu

... for the Petitioners.

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

... for the State.

Mr. Angshuman Chakraborty,

... for the *de facto* complainant.

Apprehending arrest in connection with Panchasayar Police Station Case No.50 of 2021 dated 21.09.2021 under Sections 420/387/120B of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Basu, learned advocate appearing for the petitioners submits that they are the parents of the principal accused. They have been roped in on the basis of an allegation that their daughter had married the *de facto* complainant suppressing the fact of her earlier marriage. The petitioners have no nexus with the alleged offence and in view thereof, custodial interrogation is not warranted, more so when, there is no possibility that the petitioners would flee from justice.

Mr. Dan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statements of the witnesses.

Mr. Chakraborty, learned advocate enters appearance on behalf of the *de facto* complainant and denies the contention of the petitioners and submits that there are incriminating materials against the petitioners and as such, they are not entitled to the relief as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, we do not find any strong incriminating material against the petitioners herein, who are the parents of the principal accused. It also does not appear that there is any possibility that they would flee from justice. In the said conspectus, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Susanta Mondal @ Sushanta Mondal** and **Aparna Mondal**, 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 with a further condition that they shall cooperate with the investigation.

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

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 7922 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.)