

20.01.2022

Court No.32
rpan/ **259**

C.R.M. 8097 of 2021

[Via video Conferencing]

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

And

In re: **Haridas Mandal & Another**

- Petitioners

Mr. Kaushik Chaudhury,

Ms. Bursa Khatun

... for the Petitioners.

Mr. Imran Ali,

Mr. Pratick Bose

... for the State.

Apprehending arrest in connection with Raiganj Police Station Case No.855 of 2021 dated 29.09.2021 under Sections 498A/307/34 of the Indian Penal Code and added Section 306 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Chaudhury, learned advocate appearing for the petitioners submits that the petitioners are the parents-in-law of the victim and they have been falsely implicated in an incident occurred about 4 years after the marriage of their son with the victim. On the fateful day the victim committed suicide. The petitioners had not in any manner instigated the victim. The principal accused, being the petitioners' son, has already been granted regular bail by the learned court below. In the said conspectus, custodial interrogation is not necessary.

Mr. Bose, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the complainant as recorded under Section 164 of the Code and the dying declaration of the victim.

Heard the learned advocates and considered the materials on record, including the dying declaration.

Prima facie, no specific overt act has been attributed to the petitioners. Whether their acts would, *per se*, constitute abetment of suicide is an issue to be decided at the appropriate stage of the proceedings. The petitioners are aged persons and as such there is no possibility that they would flee from justice. In view thereof, we are of the opinion that custodial interrogation is not necessary. As such, the petitioners' prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Haridas Mandal** and **Suparna Mondal @ Suborna Saha Mandal** 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 the petitioner no.1 shall meet with the Investigating Officer of the case once a week till investigation is complete. It is further directed that the petitioners shall attend the learned court below on all the dates 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 No. 8097 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.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)