

11.01.2022
tkm/ct 32
sl no. 48

C.R.M. 8186 of 2021
(Via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Madhabdihi P.S Case no. 197 of 2021 dated 28.9.2021 under sections 498A/306/34 of the IPC
And

Allowed

In Re : Animesh Ghosh petitioner

Ms. Manasi Roy
..... for the petitioner

Mr. Debabrata Chatterjee
Ms. Sonali Das
..... for the State

Apprehending arrest in connection with Madhabdihi P.S Case no. 197 of 2021 dated 28.9.2021 under sections 498A/306/34 of the IPC, the instant application is filed by the petitioner praying for anticipatory bail.

Learned advocate for the petitioner submits that the allegations leveled against the petitioner are absolutely unfounded. His wife, being the victim herein left her matrimonial house about two months earlier to the alleged incident. She committed suicide at her paternal house. In the said conspectus, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses. Answering a query of this Court, she submits that there is no suicidal note and that investigation is still in progress.

Having heard the learned advocates appearing for the parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the

alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners while on bail shall meet the investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application being CRM 8186 of 2021 is 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.)