

CRM 8399 of 2021
(via video conference)

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

In the matter of : **Ananda Nandi & Ors.**

..... petitioners

Mr. Malay Bhattacharya

.....For the petitioners

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

.....For the State

Apprehending arrest in connection with Daspur Police Station Case No. 512 of 2021 dated 01.11.2021 under Sections 498A/323/313/328/307/406/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bhattacharya, learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 2 are the parents-in-law of the victim. The petitioner no. 3 is the maternal uncle-in-law of the victim and the petitioner no. 4 is the wife of the petitioner no. 3. They all have been falsely implicated in the alleged incident. No specific overt act has been attributed to the petitioners. In the said conspectus custodial interrogation is not necessary moreso when there is no possibility that the petitioners would flee from justice.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the contents of the complaint, the statements of the witnesses as well as the injury report.

Heard the learned advocates appearing for the respective parties.

The contents of the complaint are, *prima facie*, inconsistent with the brief history of the incident, as stated in the medical report. Considering the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation may not be necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Ananda Nandi, Smt. Saraswati Nandi, Asit Mandal** and **Smt. Mallika 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 direction that the petitioner no. 3 shall meet with the investigating officer of the case once a week till investigation is complete.

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 8399 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.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)