

CRM No.8470 of 2021

Via video conference

14.01.22

(S.R.)

Sl.32

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Rajapur** Police Station Case No.145 of 2021 dated 08/06/2021 under Sections 498A/304B/306/34 of the Indian Penal Code;

And

In re: Dibakar Pandit & Anr.

... petitioners.

Mr. Jain Dutta Chakraborty

...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P.

Mr. Partha Pratim Das

Mrs. Manasi Roy

... for the State.

Mr. Dutta Chakraborty, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the victim. They have been falsely implicated in an incident which occurred about two years after the marriage of their son. The allegations are *omnibus* in nature. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not warranted.

Ms. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the post mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the post mortem report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when upon completion of investigation charge sheet has been submitted. *Prima facie*, there is also no possibility that the petitioners would delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Dibakar Pandit and 2. Sandhya Pandit** will 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.

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

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

The application for anticipatory bail being CRM No.8470 of 2021 is, accordingly, 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.)