

18.01.2022

Court No.32
rpan/37

C.R.M. 8568 of 2021

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

And

In re: **Biren Sarkar & Another**

- Petitioners

Mr. Kaushik Chaudhury,
Ms. Bursa Khatun
... for the Petitioners.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta
... for the State.

Apprehending arrest in connection with Balurghat Police Station Case No.411 of 2021 dated 02.08.2021 under Sections 498A/302/34 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. The allegations are omnibus in nature. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Ms. Datta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, it appears that the allegations are omnibus in nature. No

specific overt act has been attributed to the petitioners, who are aged persons and there is hardly any possibility that they would flee from justice. Upon completion of investigation charge sheet has also been submitted and as such, we are of the opinion that custodial interrogation is not necessary. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Biren Sarkar** and **Nisha Sarkar** 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.

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. 8568 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.)