

18.01.2022
Ct. No. 32
Sl. No.43
sdas

C. R. M. 8591 of 2021
[via video conferencing]

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

And

In Re: *Ganesh Thakur & Anr.*

... .. Petitioners

Mr. Koustav Bagchi

... .. for the petitioners

Mr. Imran Ali
Ms. Sutapa Banerjee

... .. for the State

Apprehending arrest in connection with Chanchal Police Station Case No. 337 of 2021 dated 19.05.2021 under Sections 498A/304B/34 of the Indian Penal Code, this application has been preferred by the petitioners.

Mr. Bagchi, learned advocate appearing for the petitioners submits that the petitioners are the parents-in-law of the victim. They have been falsely implicated in the alleged incident. Victim lady committed suicide by hanging. No specific overt act has been attributed to the petitioners. Principal accused, who is the husband of the victim has been granted bail by a co-ordinate Bench of this Court. Upon completion of investigation charge-sheet has also been submitted. In view thereof, custodial interrogation is not necessary.

Ms. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including statements of the witnesses as recorded under Section 161 of the Code and the post mortem report.

Having heard the learned advocates appearing for the respective parties 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 of the petitioners is not necessary, moreso when upon completion of investigation charge-sheet has been submitted. The petitioners are aged persons and there is also no possibility that they would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Ganesh Thakur* and (2) *Panchami Thakur* 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 a local, to the satisfaction of the Arresting Officer and also 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 as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8591 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.)