

CRM 8607 of 2021
(via video conference)

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

In the matter of : **Shibani Malakar & Ors.**

..... petitioners

Mr. Amit Roy

.....For the petitioners

Ms. Faria Hossain
Ms. Baisali Basu

.....For the State

Apprehending arrest in connection with Chopra Police Station Case No. 33 of 2021 dated 13.01.2021 under Sections 498A/304B/34 of the Indian Penal Code, the instant application for anticipatory bail has been preferred.

Mr. Roy, learned advocate appearing for the petitioners submits that the petitioners are the in-laws of the victim and they have been falsely implicated in the alleged incident. The allegations are omnibus in nature. No specific overt act has been attributed to the petitioners. There is also no possibility that the petitioners would flee from justice. Upon completion of investigation, charge sheet has also been submitted and as such, their custodial interrogation is not necessary.

The 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.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The petitioners are all family members and *prima facie*, there is no possibility that they would flee from justice or delay the trial by abscondence. The allegations levelled appear to be omnibus in nature. Considering the fact that upon completion of investigation, charge sheet has been submitted, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Shibani Malakar, Santosh Malakar, Nepali Malakar, Gopal Malakar, Poritosh Malakar** and **Shamali Malakar** 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 not tamper with the evidence and/or intimidate the witnesses.

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 8607 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.)