

27.01.2022.
SL.6
Saswata
(Allowed)

**C.R.M. 8749 of 2021
(Through Video Conference)**

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

In the matter of : Basudeb Majhi & Anr.

... Petitioners.

Ms. Sananda Bhattacharyya

...for the Petitioners.

Ms. Faria Hossain

Mr. Aniket Mitra

.....For the State.

Apprehending arrest in connection with Taherpur Police Station Case No. 171 of 2021 dated 14.07.2021 under Sections 498A/307/34 and added Sections 304B/302 of the Indian Penal Code, 1860, the present application has been preferred.

Ms. Bhattacharyya, learned advocate appearing for the petitioners submits that the petitioner no. 1 is the uncle-in-law and the petitioner no. 2 is the aunt-in-law of the victim lady. They reside separately and they had no involvement in the alleged offence. No specific overt act has been attributed to the petitioners. Upon completion of investigation, chargesheet has also been submitted. The petitioners are also aged persons and there is no possibility that they would delay the trial by abscondence.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of witnesses recorded under Sections 161 and 164 of the Code as well as the medical documents including the postmortem report.

Prima facie, no specific overt act has been attributed to the petitioners herein. 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 of the petitioners is not necessary more so when, upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Basudeb Majhi** and **Rekha Majhi**, be released on bail upon furnishing a Bond of `10,000/- (Rupees Ten thousand only) 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 trial Court on all the dates, as fixed for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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 the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8749 of 2021 is 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.)