

25.01.2022
Item no. 35
Court No.32
Avijit Mitra

C.R.M. 8820 of 2021 (Through Video Conferencing)

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

And

In Re : Ratan Sk. & ors.

.... petitioners

Mr. Samirul Sardar

....for the petitioners

Mr. Debabrata Chatterjee,

Ms. Debjani Sahu

..... for the State

Apprehending arrest in connection with Karimpur Police Station Case No.226 of 2021 dated 13.12.2021 under Section 498A/34 of the Indian Penal Code and 3/4 of the D.P. Act, the present application has been preferred.

Mr. Sardar, learned advocate appearing for the petitioners submits that the petitioner nos.1, 3 and 4 are the brother-in-law, mother-in-law and father-in-law of the victim respectively. The petitioner no.2 is the wife of the petitioner no.1. They have been falsely implicated in an alleged incident which occurred about 11 years after the marriage of Ershad Sk. with the victim lady. No specific overt act has been attributed to the petitioners and in view thereof, custodial interrogation is not necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code.

Answering a query of this Court, she submits that there is no medical report. However, she submits that investigation is still continuing.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Ratan Sk, Rosila Bibi, Achhema Bibi and Azizul Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 with a further condition that the petitioner no.1 shall meet with the Investigating Officer once a fortnight till investigation is complete.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/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.8820 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)