

10.02.2022

Court No.32
rpan/200

C.R.M. 8833 of 2021

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

And

In re: **Abhiram Paul @ Pal & 3 Others**

- Petitioners

Ms. Sreyashee Biswas,
Mr. Sudipta Mondal,
Mr. Snehashish Pal
... for the Petitioners.

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

Apprehending arrest in connection with Daspur Police Station Case No.23 of 2021 dated 11.01.2021 under Sections 498A/304B/302/201/406/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the present application.

Ms. Biswas, learned advocate appearing for the petitioners submits that the petitioner nos.1 and 2 are the parents-in-law, the petitioner no.3 is the brother-in-law and the petitioner no.4 is the sister-in-law of the victim. They have been falsely implicated on the basis of a complaint registered about four months after the alleged incident. The victim has committed suicide and there had been no instigation whatsoever on the part of the petitioners. The petitioner nos.1 and 2 are the aged persons and the petitioner no.4 is a female family member and such, there is no possibility that they would flee from justice. Upon completion of investigation charge sheet has also been submitted. The principal accused, being the husband of the victim, was arrested and subsequently, granted bail. In the said

conspectus, custodial interrogation of the petitioners may not be necessary.

Ms. Datta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the victim girl, as recorded under Sections 161 and 164 of the Code and the post-mortem report.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, the allegations appear to be omnibus in nature and no specific overt act has been attributed to the petitioners herein. Considering the nature of accusations and the possible extent of their complicity in the alleged offence, we are of the opinion that custodial interrogation is not warranted, more so when, upon completion of investigation, charge sheet has already been submitted. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Abhiram Paul @ Pal, Smt. Bharati Paul @ Pal, Ujjal Paul @ Pal** and **Smt. Bijoli Paul @ Pal** 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 trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 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 8833 of 2021 is, thus, allowed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)