

CRM 8891 of 2021
(via video conference)

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

In the matter of : **Khudiram Ghosh @ Kshudiram Ghosh & Ors.**

..... petitioners

Mr. Saikat Chatterjee
Mr. Mrinal Kanti Biswas

.....For the petitioners

Mr. Shiladitya Banerjee

.....For the State

Apprehending arrest in connection with Bhatar Police Station Case No. 326 dated 30.09.2021 under Sections 498A/306/34 of the Indian Penal Code, the present application has been preferred.

Leave is granted to the learned advocate appearing for the petitioners to correct the cause title and the prayer portion of the application.

The learned advocate appearing for the petitioners submits that the petitioner no. 1 is the father-in-law, the petitioner no. 2 is the mother-in-law and the petitioner no. 3 is the sister-in-law of the victim. They have been falsely implicated in an alleged incident which occurred 17 years after marriage of the victim. No specific overt act has been attributed to the petitioners. The victim lady committed suicide. The husband of the victim was arrested and was

enlarged on bail. In the said conspectus, custodial interrogation may not be necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code as well as the post mortem report.

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

Prima facie, it appears that the accusations are omnibus in nature. No specific overt has been attributed to the petitioners. Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Khudiram Ghosh @ Kshudiram Ghosh, Karabi Ghosh** and **Bharat Ghosh** 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 with a further direction that the petitioner no. 3 shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 8891 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)