

CRM No.9024 of 2021

Via video conference

15.02.22

(S.R.)

Sl.06

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Shyampur** Police Station Case No.376 of 2021 dated 20/09/2021 under Sections 498A/304B/302/406/34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act;

And

In re: Bandana Pradhan & Ors.

... petitioners.

Md. Sarwar Jahan

Mr. Maidul Islam Kayal

... for the petitioners.

Mr. Binay Panda

Ms. Puspita Saha

... for the State.

Mr. Jahan, learned advocate appearing for the petitioners submits that the petitioners are the in-laws of the victim. They have been falsely implicated in an incident which occurred about 2 years after the victim's marriage. Upon completion of investigation charge sheet has already been submitted and as such, custodial interrogation may not be necessary and they may be granted anticipatory bail on any stringent condition.

Ms. Saha, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the dying declaration as well as the statements of the witnesses, as recorded under Section 161.

In the dying declaration, it was, *inter alia*, stated that the victim poured kerosene oil over her body and fired herself after consuming poison. The statements of the witnesses, *prima facie*, reveal that the petitioners were not present in the house save and except the petitioner no.3, who was engaged in the kitchen on the ground floor of the house. 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 is not necessary, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Bandana Pradhan, 2. Nakul Chandra Pradhan, 3. Champa Samanta, 4. Anima Samanta** will 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 condition that the petitioners shall attend the learned trial court on all the dates as specified for hearings.

It is further directed that the petitioners 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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.9024 of 2021 is, accordingly, 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.)