

06.05.2022
Court No.01
rpan/ 05

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 214 of 2022

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

And

In Re: Gobinda Mondal & Others

- Petitioners

Mr. Subhasish Misra,
Mr. Swarup Das
...for the Petitioners.

Mr. Kallol Acharja,
Mr. Sagnik Sankar Sikdar
...for the State.

Apprehending arrest in connection with Ghokshadanga Police Station Case No.404 of 2021 dated 01.11.2021 under Sections 498A/304B of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law of the victim and the petitioner nos. 2 and 3 are the brothers-in-law of the victim. They have been falsely implicated. No specific overt act has been attributed to them. The principal accused, being the husband was arrested and has been enlarged on bail by the learned court below. Upon completion of investigation charge-sheet has also been submitted. As such, custodial interrogation may not be necessary.

Mr. Acharja, learned advocate appearing for the State opposes the petitioners' prayer and submits that there are incriminating materials on record which clearly reflect the involvement of the petitioners in the alleged offence.

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

Prima facie, the allegations are omnibus in nature. The principal accused being the husband of the victim was arrested. Considering the nature of allegations, the statements of the witnesses as recorded under Section 161 of the Code and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation may not be necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Gobinda Mondal, 2. Balai Mondal and 3. Shibu Mondal @ Shibulal Mondal** 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 appear before the learned Court below on all the dates specified for hearing and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioners' bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 214 of 2022, is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)