

01.10.2020

Item No.22

Ct.No.11

dc.

Allowed

C.R.M. 6329 of 2020

C.R.A.N. 1 of 2020

(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhaktinagar P.S. Case No. 152 of 2020 dated 20.02.2020 under Sections 498(A)/304B of the Indian Penal Code.

And

In the matter of : Tafzul @ Tafjal Hossain & Ors.
... Petitioners.

Mr. Krishan Ray,
Mr. Anindya Ghosh ... For the Petitioners.

Mr. A. S. Chakraborty,
Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas ... For the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

It is submitted by the learned advocate appearing for the petitioners that the petitioners are innocent and they have been falsely implicated in the present case. Petitioners are living separately in Malda district and the incident occurred at Siliguri where the deceased and her husband were living. It is further contended that the petitioner no.1 is the father-in-law of the deceased, petitioner no.2 is the mother-in-law of the deceased and the petitioner no.3 is the brother-in-law of the deceased.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that all are residing together in the district Jalpaiguri. He also draws the attention of this Court to the post mortem report.

We have perused the materials in the case diary and also the post mortem report. We find that there is no dying declaration of the deceased. In view of the aforesaid, we are of the opinion that custodial interrogation of the petitioners is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that they shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 6329 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Subhasis Dasgupta, J.)

(Samapti Chatterjee, J.)