

09.10.2020

Item No. 32

k.b./b.r.

allowed

C.R.M. 6781 of 2020 (via video conferencing)

with

IA No. CRAN 1 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Itahar P.S. Case No. 162 of 2020 of the Indian Penal Code (corresponding GR Case 851 of 2020)

And

In Re : Hossain Ali petitioner

Mr. Kaushik Chowdhury
.....for the petitioner.

Mr. Imran Ali
Ms. Manashi Roy
....for the State

Mr. Parvej Alam.... For the defacto complainant.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Heard learned advocates appearing for both the parties.

Learned State Counsel relies on the Memo of Evidence to oppose the prayer for anticipatory bail made by learned Counsel, Mr. Chowdhury, appearing for the petitioner.

Learned State Counsel relies on the statement recorded under Section 164 of the neighbour of the deceased Victim Girl (VG) to show that the petitioner abetted the suicide by demanding money from her father for marriage with the VG.

Learned Counsel for the petitioner disputes the submission made by learned State Counsel and, also disputes the stand taken by learned State Counsel that the VG was minor at the time of the incident.

Perused the materials placed.

This Court is persuaded at this stage to hold that the custodial interrogation of the petitioner is not necessary. Accordingly, this court is inclined to grant anticipatory bail to the petitioner.

It is therefore directed that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with the further condition that the petitioner no.1 shall meet the Officer-in-Charge of the concerned police station once in a week until further orders.

The application for anticipatory bail stands thus allowed.

The application being IA No: CRAN 1 of 2020, stands disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Shivakant Prasad, J.)

(Subrata Talukdar, J.)

