

September 23, 2020.
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Item No.28/SL
Ct. No.08

C.R.M. No. 7029 of 2020
with

CRAN No. 1 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 349 of 2020 dated 03.08.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In the matter of: Badaruddin Mondal & Ors.
...Petitioners.

Mr. Prabir Majumder ...for the petitioners.

Mr. Zareen N. Khan
Mrs. Manisha Sharma ...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Accordingly, the application being CRAN No. 1 of 2020 stands disposed of.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in this case. The marriage between the couple took place about 3½ years ago. There was an altercation between the husband and the victim wife and as a result whereof she committed suicide. It is submitted that the petitioners are in no way involved in the commission of the offence.

The prayer for anticipatory bail is opposed by the learned counsel appearing on behalf of the State. He submits that the statement of the mother of the victim recorded under Section 164 of the Code of Criminal Procedure would show the complexity of the petitioners in commissioning of the offence.

Considering the materials on record and nature and gravity of the offence and the alleged involvement of the petitioners in commissioning of such offence and having regard to the fact that the principle accused being the husband of the victim is in custody we are of the opinion that the custodial interrogation of the petitioners is not necessary. Under such circumstances, prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- each with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station. The petitioners shall meet the Investigating Officer of the case once a week and cooperate with the investigation.

The petitioners will also abide by the conditions laid down in Section 438(2) of the Code.

CRM No. 7029 of 2020 is allowed accordingly.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J)

