

15.10.2020

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C.R.M. 7773 of 2020

In re: An application for bail under Section 438 of the Code of Criminal Procedure in connection with Sainthia P.S Case No. 373 of 2019 dated 24.12.2019 under Sections 498A/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of: Sk. Hanif & Ors.

...Petitioners.

Ms. Rajnandini Das ... For the Petitioners

Ms. Faria Hossain
Mr. Subrato Roy ... For the State

Learned counsel for the petitioners submits that the petitioner nos. 1,2 and 3 appear to be father-in-law, mother-in-law and brother-in-law of the deceased. It is submitted that the petitioners have been falsely implicated in the instant case.

The learned counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the case diary particularly the statement of the child of the victim under Section 164 of the Cr.P.C implicating the petitioner no. 3 we are not inclined to grant anticipatory bail to the petitioner no. 3, **Sk. Babur Ali**.

However, we grant anticipatory bail to the petitioner no. 1, **Sk. Hanif** and the petitioner no. 2, **Amena Bibi**.

In the event of arrest, the petitioner nos. 1 & 2 shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and on further

condition that the petitioner nos. 1 & 2 shall cooperate with the investigation officer and the petitioner no. 1 shall meet the I.O once in week and on further conditions that the petitioner nos. 1 & 2 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and they shall appear before the trial court on every date of and in the event of absence the trial Court shall be at liberty to cancel the bail without further reference to this Court. The trial court is directed to pass necessary orders with regard to the framing of charges as early as possible.

The application for anticipatory bail being CRM 7773 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Soumen Sen, J.)

(Aniruddha Roy, J.)