

21.01.2021
Court No.28
rpan / 166

C.R.M. 288 of 2021
(Via Video Conference)

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

And

In Re : **Md. Samsul Haque & Others**
....Petitioners.

Mr. Ayan Basu,
Mr. Sumit Routh

....for the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundu

... for the State.

Apprehending arrest in connection with Naihati P. S. Case No. 412 of 2020 dated 09.09.2020 under Sections 448/306/34 of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate for the petitioners submits that the petitioners happen to be the uncles of a girl, aged about 15 years, who had a relationship with the deceased boy. The deceased boy is aged about 23 years. There were resistance/ opposition by the petitioners in respect of the said relationship and when the girl went to the house of the deceased, the present petitioners along with others went to the house and assaulted, abused the family members of the deceased. As a result of which the deceased consumed poison. The learned advocate further submits that having regard to the fact of the case, custodial detention of the petitioners may not be

warranted and the petitioners are willing to abide by any condition imposed by this Court.

Mr. Imam, learned advocate appearing for the State opposes the prayer and draws the attention of this Court to the post-mortem report as well as other statements of the witnesses.

We have perused the materials on record and assessed the complicity of the present petitioners in respect of the alleged offence. Having regard to the facts of the case, we are of the opinion that custodial detention of the petitioners is not warranted. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, viz. 1. **Md. Samsul Haque, 2. Md. Badrul Islam and 3. Alamin 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. The petitioners shall meet with the Investigating Officer of the case once a week on and from 25th January, 2021 until further orders.

The application for anticipatory bail, being CRM 288 of 2021, is, thus, disposed of.

**(Tirthankar Ghosh, J.)
Chakraborty, J.)**

(Tapabrata

