

26.02.2021
Item no.44
Court No.28
Avijit Mitra

C.R.M. 528 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with English Bazar Police Station Case No.342 of 2020 dated 23.04.2020 under Sections 498(A)/302/201/34 of the Indian Penal Code;
And

In Re : Mostakim Khan @ Mosta

.... petitioner

Mr. Kazi M. Rahaman

....for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

..... for the State

Learned advocate appearing for the petitioner submits that the petitioner is the father-in-law and an unfortunate incident occurred after 9 nine years of marriage. Learned advocate further submits that thrust of the allegation is against the husband for physical and mental torture upon the deceased.

Learned advocate appearing for the State produces the case diary and opposes the prayer for anticipatory bail. He additionally submits that there are statements of the children under Section 164 of the Code of Criminal Procedure which *prima facie* implicates the husband as principal accused.

Having heard the rival submissions and perusing the case diary, we are of the opinion that custodial interrogation of the petitioner is unwarranted. As such, prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mostakim Khan @ Mosta** shall be released on anticipatory 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 order of anticipatory bail will remain in force for a period of four weeks from date. The petitioner is directed to surrender and pray for regular bail before the jurisdictional Court within the said period.

Accordingly, the application for anticipatory bail being CRM No.528 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)