

12.03.2021
Item no.24
Court No.28
Avijit Mitra

C.R.M. 605 of 2021 (through video conference)

In Re:- An application for anticipatory bail under
Section 438 of the Code of Criminal Procedure, 1973;
And

In Re : Amjad Ali

.... Petitioner

Mr. Mounick Ghosh

...for the petitioner

Mr. Tanmoy Kumar Ghosh,

Ms. Sima Biswas

...for the State

Apprehending arrest the present application has been filed in connection with Manickchak Police Station Case No. 168 of 2020 dated 30.05.2020 under sections 498A/304B/302/34 of the Indian Penal Code subsequently added Sections 498A/304B/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is the father-in-law of the victim lady. The allegations levelled against him are unfounded. Upon completion of investigation chargesheet has also been filed and as such custodial interrogation of the petitioner is not warranted. He further submits that the principal accused is the husband who has already been enlarged on bail and the mother-in-law of the victim lady has also been granted anticipatory bail. As such, on the ground of parity the petitioner is entitled to the relief as prayed for.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention

to the statements of witnesses as recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence and since a similarly situated co-accused person had already been granted bail, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Amjad Ali**, 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.

Accordingly, the application being C.R.M. No.605 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)