

22.07.2021.
623.
Akd/As
(Allowed)

**C.R.M. 1133 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Beldanga P.S. Case No.538 of 2019 dated 21.11.2019 under Sections 498(A)/494/302/34 of the Indian Penal Code.

In the matter of : Ajarul Sk. @ Ajarul Sekh & Ors.
... Petitioners.

Mr. Anisur Rahaman,
Ms. Sarwar Jahan.

.....for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.

.....for the State.

Apprehending arrest in connection with Beldanga P.S. Case No.538 of 2019 dated 21.11.2019 under Sections 498(A)/494/302/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The instant anticipatory bail has been taken out by four petitioners jointly who are the members of the husband's family in connection with the aforementioned case on the plea that the husband of the deceased victim lady had already been enlarged on bail on 5.6.2020 by the learned District and Sessions Judge, Murshidabad in CrI. Misc. Case No.1645 of 2020. It is further submitted that the charge sheet has already been submitted and the petitioners have been shown to have allegedly committed an offence under Sections 498A and 34 of the Indian Penal Code, whereas the husband of the deceased

victim lady has been charged under Sections 498A/302 of the Indian Penal Code.

The State opposes prayer for bail and could not dispute that the husband of the deceased victim lady had already been enlarged on bail by the learned District and Sessions Judge, Murshidabad.

Since the petitioners have been charged under Section 498A of the Indian Penal Code and as no ingredients of Section 302 of the Indian Penal Code was found against them, we do not think that custodial interrogation of the petitioners is at all necessary.

Accordingly, we direct that in the event of arrest the petitioners, viz., 1) Ajarul Sk @ Ajarul Sekh, 2) Najrul Sk @ Najrul Haque, 3) Jhanai Sk @ Janarul Hoque and 4) Arifa Bibi shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, subject to the satisfaction of the arresting officer and on conditions as enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 1133 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Subhasis Dasgupta,J.)

