

20.05.2021
SL No.21
Court No.28
(gc)

CRM 1218 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Sagarpara Women Police Station Case No.33/2020 dated 13.08.2020 under Sections 498A/302/34 of the Indian Penal Code and Section 3/4 Dowry Prohibition Act.

And

In the matter of : **Asmaul Sk. @ Shaikh**

- Petitioner

Mr. Jisan Iqubal Hossain

... For the Petitioner.

Mr. Arijit Ganguly,

Mr. Avik Ghatak

... For the State.

The petitioner is the son of the elder brother-in-law of the victim and pleads innocence. It is submitted on behalf of the petitioner that the petitioner took the victim to the hospital on the relevant date.

The State opposes the prayer for anticipatory bail and refers to the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

It is submitted that the husband of the victim who is the principal accused is in custody and other co-accused have been granted bail earlier. Charge-sheet has been submitted.

Considering the extent of involvement of the petitioner in the alleged offence, we are inclined to hold that custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail. Accordingly, the application for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Asmaul Sk. @ Shaikh** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

This order of anticipatory bail will remain in force for a period of four weeks from date within which period, the petitioner shall pray for regular bail before the Jurisdictional Court. The Jurisdictional Court shall consider the said application for bail independent of any observation made by us in this order.

The application for anticipatory bail, being CRM No.1218 of 2021 is, thus, disposed of.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)