

30.07.2021
Item no.6.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1239 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 29.01.2021 in connection with Domkal Police Station Case No.543 of 2020 Dated 19.09.2020 under Sections 498A/302/34 of the Indian Penal Code

And

In the matter of : Kamal Sk. @ Kalam Sk. & Others

.....Petitioners.

Mr. Sarwar Jahan,
Mr. Anisur Rahmanfor the Petitioners.

Mr. S. G. Mukherjee, Ld. PP,
Ms. Sreeparna Dasfor the State.

Learned Advocate for the petitioners submits that he is not pressing this application for anticipatory bail in so far as the petitioner no.3 is concerned. The application is dismissed for non-prosecution as regards the petitioner no.3.

The petitioner no.1 is the brother-in-law and the petitioner no.2 is the first wife of the husband of the victim. Initially, the charge was made under Sections 498A/302/34 of the Indian Penal Code. Apparently, statements were recorded from the parents of the victim to the effect that there was altercation between the victim and her husband, which led the victim to commit suicide. Subsequently the charge under

Section 304B of the Indian Penal Code has been substituted in place and stead of Section 302 of the Code.

We are told that the husband of the victim was enlarged on bail after having being arrested.

Having considered the material in the case diary and the facts and circumstances of the case as also the statement of the parents of the victim recorded under Section 161 of the Code, we are of the opinion that immediate custodial interrogation of the petitioner nos. 1 and 2 may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos.1 and 2 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1239 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)