

24.05.2021

43

***suman/
Srimanta***

Ct. 28

CRM 1242 of 2021

(Via Video Conference)

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

And

In the matter of:

Sk. Sayeb Ali & Ors.

....Petitioners

Mr. Kunal Ganguly
...for the petitioners

Mr. Neguive Ahmed
Mr. S. G. Mukherjee
...for the State

Apprehending arrest in connection with Sadaipur Police Station Case No.72 of 2020 dated 27.12.2020 under Sections 498A/307/313 of the Indian Penal Code, the present application has been preferred.

Mr. Ganguly, learned advocate appearing for the petitioners submits that the petitioner No.3 is the husband of the de facto complainant. The petitioner Nos. 1 and 2 are the father-in-law and the mother-in-law of the de facto complainant respectively. They are presently aged about 62 years and 57 years respectively. They have been falsely

implicated. As no overt act has been attributed to them, custodial interrogation is not necessary.

Mr. Ganguly further submits that there had been a substantial delay in lodging the complaint.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer.

Having heard the learned advocates and considering the nature of allegations and the fact that the petitioner nos. 1 and 2 are aged persons, we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the **petitioners** namely **Sk. Sayeb Ali and Jarina Bibi** 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 arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

However, prima facie there are materials which reveal the involvement of petitioner no.3 in the alleged offence and in view thereof, we are not inclined to exercise any discretion in his favour and anticipatory bail of the petitioner no.3 namely **Sk. Najrul** is refused.

Accordingly, the application for anticipatory bail being **CRM 1242 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.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)