

05.08.2021.
319.
Akd/As
(Allowed)

**C.R.M. 1698 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pukhuria P.S. Case No.135 of 2019 dated 09.04.2019 under Sections 376/323/506/34 of the Indian Penal Code.

In the matter of : Mojibur Rahaman @ Md. Mojibur
& Anr.

... Petitioners.

Ms. Sujata Das.

.....for the Petitioners.

Md. Anwar Hossain,
Ms. Ratna Ghosh.

.....for the State.

Apprehending arrest in connection with Pukhuria P.S. Case No.135 of 2019 dated 09.04.2019 under Sections 376/323/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The instant application for anticipatory bail has been filed by the husband and mother-in-law of the complainant. They apprehend the arrest in connection with the aforesaid case and according to them, they have no complicity to the commission of an offence.

We have perused the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. We find that the entire allegation is aimed against the father-in-law and there is no active role attributed to the conduct of the present petitioners. We are informed that the father-in-law had been enlarged on bail.

In view of the above, we do not feel that the custodial interrogation of the petitioners is at all necessary.

Accordingly, we direct that in the event of arrest the petitioners 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, 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 1698 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)