

16.08.2021.
05.
As/Akd
(Allowed)

**C.R.M. 1872 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Karandighi P.S. Case No.537 of 2020 dated 22.10.2020 under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Haider Ali @ Hayadar Ali & Ors.
... Petitioners.

Md. M. Nazar Chowdhury,
Ms. Priyanka Saha.
.....for the Petitioners.

Mr. Ranabir Chowdhury,
Mr. Rudradipta Nandy.
.....for the State.

Apprehending arrest in connection with Karandighi P.S. Case No.537 of 2020 dated 22.10.2020 under Sections 498A/302/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by both the learned Advocates for the petitioner as well as the State that during pendency of the instant application, petitioner no.3, Rahamat Ali was arrested.

Therefore, the application under Section 438 of the Code of Criminal Procedure against the said petitioner No.3, Rahamat Ali has become infructuous.

Accordingly, the prayer for anticipatory bail of the petitioner no.3 is dismissed as infructuous.

The other two petitioners are brother-in-laws of the deceased. They are living in separate mess.

On perusal of the First Information Report, it is ascertained that there is no specific allegation made by the de-facto complainant being the father of the deceased at the

behest of the petitioner nos.1 and 2. It is alleged that he suspected that the deceased was murdered and then hanged but the post mortem report shows that she committed suicide by hanging, ante mortem in nature.

Considering of such aspect of the matter, we are of the view that the petitioner Nos.1 and 2 are entitled to get the privilege of anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner Nos.1 and 2 namely, 1) Haider Ali @ Hayadar Ali and 2) Jakir Hussain 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 subject to the satisfaction of the arresting officer and on condition that they shall meet the Investigating Officer once in a week and as and when called for until further orders and on further conditions as laid down 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 1872 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)