

14.06.2021
p.b.
SL No.13

CRM 1880 of 2021

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

And

In Re:- **Ahashan Sarkar @ Ahasan Miya @ Asan Mia & Anr.**

Mr. Kallol Mondal.

.....for the petitioners.

Mr. Rana Mukherjee,

Mr. Santanu Roy.

.....for the State.

Apprehending arrest in connection with Gazole Police Station Case No.59 of 2017 dated 28.01.2017 under Sections 498A/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no.2 is the married sister-in-law of the *de facto* complainant. They have been falsely implicated in an alleged incident which occurred on 28th January, 2021 about four years after the marriage of the petitioner no.1 with the *de facto* complainant. The allegations levelled against the petitioners are unfounded and upon completion of investigation, charge sheet has already been submitted

and as such, custodial interrogation of the petitioners is not necessary.

Mr. Chatterjee, learned advocate appearing for the State submits, upon instruction, that the *de facto* complainant has a female child and she along with her child is presently residing with the petitioner no.1.

Having heard the learned advocates and considering the nature of allegations, the extent of complicity of the petitioners in the alleged offence and since the *de facto* complainant along with her child is presently residing at her matrimonial home, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case, more so when upon completion of investigation, charge sheet has also been filed.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Ahashan Sarkar @ Ahasan Miya @ Asan Mia and Mousumi Khatun** 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 the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application for anticipatory bail being CRM No.1880 of 2021, is disposed of.

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)