

CRM No.2037 of 2021

Via video conference

04.06.21

(S.R.)

Sl.29

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nanoor** Police Station Case **No.126 of 2020** dated **13.10.2020** under Sections **498A/304B/302/120B** of the Indian Penal Code (G.R. Case No.784 of 2020);

And

In re: Sekh Fajal @ Fajal Sekh

... petitioners.

Mr. Sanjib Kumar Dan

Mr. Saryati Dutta

... for the petitioners.

Mr. Rana Mukherjee

Mr. S.S. Imam

Mr. S. Kundu

...for the State.

Mr. Dutta, learned advocate appearing for the petitioner submits that the petitioner no.1 is the grandfather-in-law of the deceased, who is presently aged about 70 years. The petitioner nos.2 and 3 are the maternal uncles-in-law of the deceased. They have been falsely implicated in the alleged incident. The allegations levelled against them are unfounded. The petitioner nos.2 and 3 are living in a separate mess. The husband and the mother-in-law of the deceased are already in custody. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and the post-mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations against the petitioners herein and also extent of complicity of the petitioners in the alleged offence, we are of the opinion that further custodial

interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Sekh Fajal @ Fajal Sekh, 2. Ismali Sekh @ Sekh Babar and 3. Safikul Sekh @ Sekh Safikul @ Swapan**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner nos.2 and 3 shall meet with the investigating officer once a week on and from 10th June, 2021 until further orders.

It is also directed that the petitioners shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever.

The petitioner shall also attend the learned trial court on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the above directions, without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

Accordingly, the application for anticipatory bail being CRM No.2037 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)