

80 08.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 2688 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **15/03/2021** in connection with **Krishnagar Kotwali** P.S. Case No. **933 of 2020** dated **04/12/2020** under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: Asgar Sk. & Ors.

....petitioners.

Mr. Prabir Majumder,
Mr. Snehansu Majumder

...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld. PP,
Ms. Faria Hossain,
Mr. Aniket Mitra

...for the State.

The application for anticipatory bail under Section 438 CrPC has been filed apprehending arrest in connection with Krishnagar Kotwali P.S. Case No. 933 of 2020 dated 04.12.2020 under Sections 498A/302/34 of the Indian Penal Code.

It appears that the principal accused has already obtained bail. It further appears that the victim consumed poison and committed suicide and the allegations under Section 498A have been lodged eight years after the marriage. There is, however, a charge also under Section 302 IPC.

Considering the entire gamut of the facts of the case, this court finds that the petitioner nos. 1 and 2 are the brothers-in-law of the victim. The petitioner nos. 3 and 4 are the wives of the petitioner nos. 1 and 2 respectively. The petitioner no. 5 is the sister-in-law. They are not the main accused.

This Court is of the view that the petitioners are entitled to grant pre-arrest bail.

Accordingly, in the event of arrest, the petitioners shall be released on bail subject to satisfaction of conditions under Section 438 (2) of CrPC, 1973 and upon furnishing Bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Investigating Officer, subject to condition that the petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not enter the jurisdiction of the police station except for the purpose of investigation and attending Court proceedings and shall provide the address where they shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders. The petitioners shall surrender their passport to the I.O. and if they do not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioners fail to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)

