

20.09.2021

CRM 2915 of 2021

Court No.32
Item No.59
(ALLOWED
IN
PART)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Manikchak Police Station Case No. 48 of 2021 dated 08.02.2021 under Sections 498A/307 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act (G.R. Case No. 677 of 2021).

And

In the matter of : **Anwar Sk. & Ors.**

...Petitioners.

Mr. Arup Kumar Bhowmick.

...For the Petitioners.

Mr. Imran Ali,

Mr. Mirza Firoj Ahmed Begg.

...For the State.

The petitioner no. 1 is the husband of the victim, who was arrested and granted bail by the learned Trial Court. This application for anticipatory bail is not pressed on his behalf. The application is dismissed in so far as the petitioner no. 1, namely, **Anwar Sk.**, is concerned.

The other petitioners are the mother-in-law, brothers-in-law and sisters-in-law of the victim. They say that they have been falsely implicated. They have no role to play in the alleged offence.

We have seen the statements of the witnesses in the case diary. The allegations against the petitioners are general and omnibus in nature. We have also seen the medical report. There is an allegation of administration of poison but not specifically against the present petitioners. There is no external injury detected on the victim's body.

On an overall assessment of the material in the case diary and facts and circumstances of the case and the possible extent of complicity of the petitioner nos. 2 to 8 in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner nos. 2 to 8 is not necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos. 2 to 8, namely, **Rosna Bibi @ Roshina, Jewel Sk. @ Juwel, Azahar Sk. @ Azahar Ali, Sarifan Bibi @ Sarifunnesha, Mousami Bibi @ Musumi Khatun, Majedur Rahaman @ Mojibur Rahaman and Bani Sk. @ Md.**

Bapi Hoque, 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2915 of 2021 is, thus, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)