

27.09.2021
Item no.38
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3087 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 26.03.2021 in connection with Chanchal Police Station Case No. 1023 of 2019 dated 29.11.2019 under Sections 498A/306/34 of the Indian Penal Code.

And

In the matter of : Najrul & Another.

.....Petitioners.

Mr. Soupal Chatterjee, Advocate,
.....for the Petitioners.

Mr. S.S. Imam, Advocate,
Mr. S. Kundu, Advocate,
.....for the State.

The State says that this is the third application of the petitioners for anticipatory bail and hence, should not be entertained.

We find from the records that the first application of the petitioners was rejected on January 27, 2020 in CRM 941 of 2020. From records it would appear at that time charge-sheet had not been filed.

The second application of the petitioners was dismissed as not pressed by an order dated December 17, 2020 in CRM 8849 of 2020.

Now, the present application has been filed and the petitioners say that charge-sheet has been submitted. This is the change in circumstance.

We have seen the statements of witnesses in the case diary. The allegations are general and omnibus in nature against the husband and in-laws of the victim. Nothing specific appears to have been attributed to the present petitioners who are the parents-in-law of the victim.

The petitioners say that the victim got involved with another person and ultimately killed herself by hanging.

We find that the husband of the victim has been enlarged on bail by the learned Trial Court. The present petitioners are at least, on the same, if not better footing than the husband.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners namely **Najrul** and **Majeda Bibi** 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 case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3087 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)