

29. 04.10.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3264 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09/04/2021** in connection with **Gazole Police Station Case No.08 of 2021** dated **03/01/2021** under Sections **498A/307** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act, 1961.

And

In the matter of: - **Mostafijur Rahaman & Ors.**

...petitioners.

Mr. Mazhar Hossain Chowdhury

...for the petitioners.

Mr. Tanmay Kr. Ghosh,

Ms. Sima Biswas

...for the State.

The petitioner no.1 is the husband, the petitioner nos.2 and 3 are the parents-in-law and the petitioner no.4 is the brother-in-law of the victim lady. The allegation is of torture, dowry demand and attempted murder.

We have seen the material in the Case Diary including the injury report and the statement of the victim lady. Although, the injury report describes the injury as 'severe', the victim lady was not admitted in the hospital for treatment. From the nature of the injury also we find that it may not have been that severe. The allegations in the statement of the victim are general. Charge-sheet has been submitted. The complaint was filed 22 days after the alleged incident. There is no immediate explanation for such delay.

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 may not be necessary so long as they co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Mostafijur Rahaman, 2. Ramjan Ali, 3. Sukiman Bibi @ Sukiman, 4. Mokhbul Hossain @ Mokbul Hossain** 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.

And on further condition that the petitioner no.1, the petitioner no.2 and the petitioner no.4 shall meet the Officer-in-Charge of the concerned Police station once in every fortnight 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 C.R.M. 3264 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)