

08.11.2021
Item no.58.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4044 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Madhyamgram Police Station Case No.12 Dated 4.1.2021 under Sections 498A/306/34 of the Indian Penal Code

And

In the matter of: Mujibar Haji @ Mujibar Rahaman & Others

.....Petitioners.

Mr. Ayan Basu,
Mr. Sumit Routhfor the Petitioners.

Mr. Saibal Bapuli, Id. APP,
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Danfor the State.

Learned Advocate for the petitioners submits that the petitioner nos.2 and 3 have already been taken into custody and as such, this application for anticipatory bail has become infructuous insofar as they are concerned.

This application is dismissed insofar as the petitioner nos.2 and 3 are concerned.

The petitioner no.1 is the father-in-law of the victim. The charge is under Sections 498A/306/34 of the Indian Penal Code. The victim committed suicide after fourteen years of marriage. The allegations in the statements of witnesses are omnibus in nature. There is nothing specific against this

petitioner, who is about 74 years old. Charge sheet has already been submitted.

On an overall assessment of the material in the case diary and the possible extent of complicity of the petitioner no.1 in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner no.1 is not necessary.

Accordingly, in the event of arrest, the petitioner no.1, namely Mujibar Haji @ Mujibar Rahaman shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 and on further condition that he shall report to the Investigating Officer once in a fortnight until further orders.

In case the petitioner no.1 fails 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. No.4044 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.)

