

(Through Video Conference)

CRM 4270 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.06.2021 in connection with Tehatta Police Station Case No. 241 of 2021 dated 17.05.2021 under Sections 498A/302/34 of the Indian Penal Code.

-And-

In the matter of: Sujay Sk & Ors.

... Petitioners

Mr. Kalidas Saha, Advocate

... ... For the Petitioners

Mr. Anwar Hossain, Advocate

Ms. Sreyashee Biswas, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the husband of the deceased is in custody. The petitioners are in-laws of the deceased. They were falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the inquest report and the other materials in the case diary.

Considering the inquest report, we are not inclined to grant anticipatory bail to the petitioner No. 2 (Nilufa Sk).

So far as other petitioners are concerned, namely, petitioner No. 1 (Sujay Sk), Petitioner No. 3 (Amir Sk), Petitioner No. 4 (Eyarba Sk @ Eyarbox), Petitioner No. 5 (Rehena Bibi Sk) and Petitioner No. 6 (Rafik Dafadar @ Sofik Sk) considering that they are not on the same footing as that of the husband of the deceased and the petitioner no. 2, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner No. 1 (Sujay Sk), Petitioner No. 3 (Amir Sk), Petitioner No. 4 (Eyarba Sk @ Eyarbox), Petitioner No. 5 (Rehena Bibi Sk) and Petitioner No. 6 (Rafik Dafadar @ Sofik Sk) shall be

released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner No. 1 (Sujay Sk), Petitioner No. 3 (Amir Sk), Petitioner No. 4 (Eyarba Sk @ Eyarbox), Petitioner No. 5 (Rehena Bibi Sk) and Petitioner No. 6 (Rafik Dafadar @ Sofik Sk) shall appear before the jurisdictional court and pray for regular bail within four weeks from date and with a further condition that the petitioner No. 1 (Sujay Sk), Petitioner No. 3 (Amir Sk), Petitioner No. 4 (Eyarba Sk @ Eyarbox) and Petitioner No. 6 (Rafik Dafadar @ Sofik Sk) shall appear before the investigating officer once in a fortnight and petitioner no. 5 (Rehena Bibi Sk) shall cooperate with the investigation.

The prayer for anticipatory bail is partly allowed.

CRM 4270 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)