

30.11.2021
Court No.32
rpan / **183**

C.R.M. 4478 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Shital Majumder & Another**

- Petitioners

Mr. Prabir Majumder

....For the Petitioners.

Ms. Faria Hossain,

Ms. Baisali Basu

....For the State.

Apprehending arrest in connection with Hanskhali Police Station Case No. 261 of 2021 dated 20.04.2021 under Sections 498A/307/34 of the Indian Penal Code, 1860 with added Section 302 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Majumder, learned advocate appearing for the petitioners submits that the petitioner nos.1 and 2 are the father-in-law and the mother-in-law respectively of the victim lady. Their son married the victim lady and they have two children. The alleged incident occurred 11 years after such marriage. The petitioner's son and the victim lady used to live separately. No overt act has been attributed to the petitioners. As such, custodial interrogation is not warranted.

Ms. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary. Answering to a query of

this Court, she submits that the husband of the victim lady is already in custody.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary, more so when, they are aged persons and *prima facie*, there is no likelihood that they would flee from justice or interfere with the investigation.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Shital Majumder** and **Bakul Majumder**, shall be released on bail upon furnishing a bond of ₹10,000/- each with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 4478 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)