

30.11.2021  
Item no.201  
Court No.32  
Avijit Mitra

C.R.M. 4666 of 2021

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

And

**In Re : Rejina Bibi & ors.**

.... petitioners

Mr. Manas Kumar Das

....for the petitioners

Mr. Bidyut Kumar Roy,

Ms. Rita Dutta

..... for the State

Apprehending arrest in connection with Kandi Police Station Case No.248 of 2021 dated 06.05.2021 under Sections 306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Das, learned lawyer appearing for the petitioners submitted that the petitioner no.3, namely, Riyajul Haque has already been arrested and anticipatory bail in respect of petitioner no.3 has become infructuous. So far as the petitioner nos. 1 and 2 are concerned, learned lawyer submitted that there are least elements to implicate the petitioner nos. 1 and 2 to the alleged crime. The victim is a married wife of another person and had an affair with one Monirul. This present petitioners are family members of that Monirul. It is the submission of learned lawyer for the petitioner that there hardly exists any nexus between the commitment of the suicide and alleged altercation between the present petitioner nos. 1 and 2 and the victim.

It is further submitted that chargesheet has been filed as a result of which further custodial interrogation is not necessary.

*Per contra*, learned lawyer representing the State submitted that there are incriminating elements against the present petitioners for which anticipatory bail should not be allowed.

We have heard the rival submissions and perused the case diary and other materials. We are not able to find chargesheet in the case diary. Therefore, we cannot come to the conclusion that investigation is complete. However, on perusal of materials on record and particularly, the statement of witnesses, we are of the considered opinion that custodial detention of the present petitioner nos. 1 and 2 one of whom is a lady is not necessary. Since the investigation is at early stage or in progress we refrain ourselves from making any comment on the nature of incriminating materials present. However, we are of the considered opinion that we should exercise our discretion and the petitioner nos. 1 and 2 may get anticipatory bail, as prayed for.

Accordingly, we direct that in the event of arrest, the petitioners no.1 and 2, namely, **Rejina Bibi and Jahangir Sk.** shall be released on 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 with a further condition

that the petitioner nos.1 and 2 shall not leave the jurisdiction of Kandi Police Station without prior permission of the investigating officer once in a week and petitioner no.2 shall meet the investigating officer if the investigation is pending.

The application for anticipatory bail being C.R.M. 4666 of 2021 is 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.)**