

23.12.2021

Court No.32
rpan/523

C.R.M. 5074 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nalhati Police Station Case no.240 of 2021 under Sections 498A/306/304B/34 of the Indian Penal Code, 1860 ;

And

In re: **Robiul Alam** *alias* **Rabiul Alam & Others**

- Petitioners

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... for the Petitioners.

Mr. Soumik Ganguly

... for the State.

On the prayer of Mr. Chakraborty, learned advocate appearing for the petitioners the application, so far as the petitioner no.1 is concerned, is dismissed as 'infructuous' since he has already been arrested during the pendency of the present application.

He submits that the petitioner no. 2 is the brother-in-law, the petitioner no.4 is the mother-in-law of the victim and the petitioner no.3 is the wife of the petitioner no.2. All of them have been falsely implicated. The allegations are omnibus in nature. Upon completion of investigation charge sheet has also been submitted and as such, their custodial interrogation is not warranted.

Mr. Ganguly, learned advocate appearing for the State opposes the prayer of the petitioner nos.1, 2 and 3 and draws

our attention to the statements of the witnesses and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials against the petitioner no.2. Considering the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in this favour and his prayer for anticipatory bail is dismissed.

However, the petitioner nos.3 and 4 are ladies and *prima facie* there is no likelihood that they would flee from justice or delay the trial by abscondance. Considering the allegations levelled and the extent of complicity, we are of the opinion that custodial interrogation of the petitioner nos. 3 and 4 is not necessary. As such, their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos. 3 and 4, namely, **Tammana Begum** *alias* **Tamanna Begum** and **Tohamena Bibi** *alias* **Thmina Bibi** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

It is further directed that they shall attend the learned court below on the dates specified for hearing and shall not

tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

With the aforesaid observations, the application for anticipatory bail, being CRM No. 5074 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)