

16.12.2021
Item no.256
Court No.32
Avijit Mitra

C.R.M. 6681 of 2021

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

And

In Re : Md. Sujauddin & anr.

.... petitioners

Mr. Kalyan Kumar Bhattacharya

....for the petitioners

Mr. S.S. Imam,

Mr. S. Kundu

..... for the State

Apprehending arrest in connection with Suri Police Station Case No.275 of 2021 dated 31.07.2021 under Sections 498A/323/325/307/506/34 of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act, the present application has been preferred.

Mr. Bhattacharya, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no.2 is the sister-in-law of the victim lady. They have been falsely implicated. The alleged incident occurred about 20 years after the marriage. The elder brother-in-law of the victim lady had been subsequently enlarged on bail. The allegations are omnibus in nature. No overt act has been attributed to the petitioners. In the said conspectus, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statements of the witnesses and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, there is no likelihood that the petitioners would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md. Sujauddin and Mamtaz Begum**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 no.1 shall meet with the investigating officer once a week on and from 27th December, 2021 till investigation is over.

The petitioners shall attend the learned Trial Court on all the dates as fixed for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 6681 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.)