

15.11.2021
Sl. No.33
akd
[ALLOWED]

C. R. M. 6911 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Kumarganj Police Station Case No. 156 of 2021 dated 07.08.2021 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re: ***Ajijur Mondal @ Md. Azizul Islam***

... .. Petitioner

Ms. Jeenia Rudra
Ms. S. Dey

... .. for the petitioner

Ms. Sukanya Bhattacharya
Ms. Sreeparna Das

... .. for the State

It is submitted on behalf of the petitioner that he is the matrimonial uncle-in-law of the victim-housewife. It is further submitted that the petitioner tried to mediate in the matrimonial dispute and has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Statements of witnesses show that the petitioner had sought to mediate in the matter and requested the housewife to return to the matrimonial fold. In view of the role played by the petitioner in the alleged incident, we are of the opinion that custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Ajijur Mondal @ Md. Azizul Islam***, 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 also 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 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)