

24.11.2021
Court No.32
rpan / **205**

C.R.M. 6985 of 2021

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

And

In re: **Sk. Rejaul @ Sk. Rejabul & Another**

.....Petitioners

Mr. Dev Kumar Sharma

....For the Petitioners

Mr. P. K. Datta,

Mr. Santanu Deb Roy

....For the State

Apprehending arrest in connection with Uluberia Police Station Case No. 152 of 2021 dated 02.05.2021 under Sections 498A/304B/302/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act [Charge sheet submitted under Sections 498A/304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act], the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no2 is mother-in-law of the victim lady. The principal accused, being the husband, had already been granted bail by the learned court below. From the record it would be evident that the petitioners themselves accompanied the victim lady to the hospital and the entire medical expenses were borne by the petitioners. The incident occurred on 27th April, 2021 and the victim expired on 2nd May, 2021 and there is also no dying declaration. Upon completion of investigation, charge sheet has

already been submitted and as such, custodial interrogation of the petitioners is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the post-mortem report and the statements of the witnesses, as recorded under Section 161 of the Code.

Having heard the learned advocates appearing for the respective parties 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 custodial interrogation is not necessary, more so, when upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Sk. Rejaul @ Sk. Rejabul** and **Anowara Begum**, 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 the petitioners shall attend the learned Trial Court on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses.

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. 6985 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.)