

15.11.2021
Sl. No.83
pk
[ALLOWED]

C. R. M. 7121 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 252 of 2021 dated 12.07.2021 under Sections 328/302/34 of the Indian Penal Code.

And

In Re: ***Mainal Ali @ Md. Mainal Ali and others***

... .. Petitioners

Ms. Minoti Gomes .. Advocate

... .. for the petitioners

Mr. B. K. Roy, .. Advocate

Mr. P. Bhattacharya .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that the deceased, namely, Md. Sahajahan had committed suicide by taking poison. Md. Sahajahan was the husband of co-accused, Anjuma Khatun, who after being divorced by the deceased had remarried petitioner no. 2. Thereafter, deceased wanted to marry Anjuma Khatun again but she refused. Consequentially he committed suicide. The petitioner nos. 1, 3 and 4 are the relation of Anjuma Khatun and the petitioner no. 2 is her second husband.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners along with Anjuma Khatun had administered poison to the deceased.

We have considered the materials on record including the statement of witnesses. There is no direct evidence apart from vague inferences that the petitioners had administered poison to the deceased.

In view of the aforesaid facts, we are of the opinion that the custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners 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.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)