

17.12.2021
Item no.289
Court No.32
Avijit Mitra

C.R.M. 7471 of 2021

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

And

In Re : Arif @ Arun & ors.

.... petitioners

Mr. Aslam Khan

....for the petitioners

Mr. Prabhas Bhattacharya,

Mr. Pratick Bose

..... for the State

Apprehending arrest in connection with Chanchal Police Station Case No.257 of 2021 dated 13.04.2021 under Sections 498A/302/304B/34 of the Indian Penal Code subsequently added sections 498A/304B/34 of the Indian Penal Code, the present application has been preferred.

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

He submits that the petitioner nos. 2 and 3 are the mother-in-law and sister-in-law of the victim respectively. They have been falsely implicated. No overt act has been attributed to them.

He further submits that initially the FIR was registered under Sections 498A/302/304B/34 of the Indian Penal Code and thereafter, upon completion of investigation chargesheet was submitted under Sections 498A/304B/34 of the Indian

Penal Code and custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the extent of complicity of the petitioner nos. 2 and 3 in the alleged offence and since *prima facie*, there is no likelihood that they would flee from justice or delay the trial by abscondence, we are of the opinion that custodial interrogation is not necessary more so when, upon completion of investigation chargesheet has also been filed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sakhina Bewa and Sarbanu Bibi**, 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.

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 petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 7471 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.)