

CRM No.7636 of 2021

Via video conference

23.12.21

(S.R.)

Sl.233

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kushmandi** Police Station Case No.135 of 2021 dated 01/09/2021 under Sections 498A/302/304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act (G.R. Case No.760 of 2021);

And

In re: Mamtaj Ali & Anr.

... petitioners.

Mr. Mazahar Hossain Chowdhury

... for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

Mr. Chowdhury, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the victim and they are aged about 77 years and 63 years respectively. The allegations are *omnibus* in nature. The principal accused being the husband of the victim has been arrested and is presently in custody. In the said conspectus, the petitioners, who are aged persons may be enlarged on anticipatory bail on any stringent condition.

Ms. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the post mortem report.

Having heard the learned advocates 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, *prima facie*, there is no likelihood that they would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Mamtaj Ali and 2. Jahanara Begum** will 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 with a further condition that the petitioners shall not leave the jurisdiction of **Kushmandi Police Station** till investigation is over save and except for attending the learned trial court on all the dates specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses 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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7636 of 2021 is, accordingly, 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.)