

CRM 7648 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Nurul Haque @ Nurul & Ors.**

..... petitioners

Mr. M. Nazar Chowdhury
Ms. Priyanka Saha

.....For the petitioners

Mr. Debabrata Chatterjee
Ms. Mousumi Sarkar

.....For the State

Apprehending arrest in connection with Islampur Police Station Case No. 544 of 2020 dated 10.07.2020 under Sections 498A/307 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 2 are the father-in-law and the mother-in-law, the petitioner nos. 3 and 4 are the brothers-in-law and the petitioner no. 5 is the sister-in-law of the victim. They have all been falsely implicated. The accusations are omnibus in nature. Upon completion of investigation, charge sheet has also been submitted. The principal accused being the husband of the victim was arrested and had obtained bail. In the said conspectus, custodial detention of the petitioners is not warranted more so when there is no possibility that the petitioners would flee from justice.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the injury report.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the nature of injuries and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Nurul Haque @ Nurul, Halima, Ajim @ Azim, Nabaju @ Navaju Alam** and **Kekasa** 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, 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 not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below 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 7648 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.)