

17.12.2021

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Allowed

**C.R.M. 7885 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 705 of 2021 dated 13.11.2021 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Jahir Haque @ Jahiruddin Aha petitioner

Mr. Kaushik Chowdhury

Ms. Bushra Khatoon

.....for the petitioner

Ms. Faria Hossain

Ms. Sonali Das

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he is brother-in-law of the victim housewife and has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits victim housewife was subjected to torture and committed suicide within five years of marriage.

We have considered the materials on record. Allegations of torture against the petitioner are general and omnibus in nature. Husband of the victim housewife has already been arrested.

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

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)