

21.12.2021
Sl. No.99
akd
[ALLOWED]

C. R. M. 8630 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 13.12.2021 in connection with English Bazar Women Police Station Case No. 205 of 2021 dated 19.10.2021 under Sections 498A/308/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.5815 of 2021)

And

In Re: ***Khatija Bibi @ Khadija & Ors.***

... .. Petitioners

Mr. Sagar Saha

... .. for the petitioners

Mr. Arijit Ganguly
Mr. Avik Ghatak

... .. for the State

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case due to matrimonial discord between petitioner no.2 and his wife.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and keeping in mind the general and omnibus nature of allegations and as the allegation of physical assault is not supported by medical evidence, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely ***(1) Khatija Bibi @ Khadija, (2) Ajmaul Hoque @ Md. Ajmaul Hoque, (3) Abraul Hoque @ Ebraul & (4) Mahamuda Bibi***, 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 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.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)