

11.03.2021
Item no.54
Court No.28
Avijit Mitra

C.R.M. 10952 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with B. Garden Police Station Case No.192 of 2020 dated 16.11.2020 under Sections 498A/302/34 of the Indian Penal Code;

And

In Re : Abul Kasem Khan

.... Petitioner

Mr. Dev Kumar Sharma

...for the petitioner

Mr. S.G. Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

...for the State

Learned advocate appearing for the petitioner submits that the petitioner is the father-in-law of the victim lady, who had committed suicide. The mother-in-law and the husband are already in custody. The two minor children of the victim lady are presently in the custody of the petitioner. The allegations levelled against the petitioner are unfounded and he has been falsely implicated and as such custodial interrogation of the petitioner is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the *post-mortem* report and the statements of the witnesses as recorded under Section 164 of the Code of Criminal Procedure. He further submits that investigation is still in progress.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations against the petitioner and the fact that the petitioner is presently looking after the two minor children of the victim lady and as the husband and the mother-in-law are in custody, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the instant case. Accordingly prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Abul Kasem Khan**, shall be released on anticipatory 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.

Accordingly, the application being C.R.M. No.10952 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)