

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

20.09.2021
Court No.01
Item No.58
Avijit Mitra

**CRM 131 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of
the Code of Criminal Procedure;

And

In Re: Amir Hosen & ors.

...Petitioners

Mr. Sudip Guha

...For the Petitioners

Mr. Niloy Chakraborty,

Mr. Biswarup Roy

...For the State

Apprehending arrest in connection with Dhupguri Police
Station Case No.460 of 2020 dated 02.12.2020 under sections
498A/302/304B/34 of the Indian Penal Code, the present
application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners
submits that the petitioner no.1 is the father-in-law, petitioner no.2
is the mother-in-law and the petitioner no.3 is the sister-in-law of
the deceased. They have been falsely implicated. No overt act has
been attributed to them and the victim committed suicide. The
principal accused being the husband had already obtained bail
from the learned Court below and upon completion of investigation
chargesheet has also been filed and as such, custodial interrogation
of the petitioners is not warranted.

Mr. Chakraborty, learned advocate appearing for the State
opposes the petitioners' prayer and draws our attention to several
documents in the case diary including the *post mortem* report and

the statements of the witnesses as recorded under Section 161 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the *post mortem* report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case, more so when upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Amir Hosen, Anija Khatun and Khalida Khatun** shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- 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.131 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)