

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

21.09.2021
Court No.01
Item No.37
Avijit Mitra

CRM 285 of 2021

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

And

In Re: Md. Ajijar Rahaman @ Ajijar Mallik & ors.

...Petitioners

Mr. Sudip Guha

...For the Petitioners

Mr. Niloy Chakraborty,
Mr. Sourav Ganguly

...For the State

Apprehending arrest in connection with Sahebganj Police Station Case No.470 of 2020 dated 29.10.2020 under sections 498A/326/307/34 of the Indian Penal Code subsequently added Section 302 of the Indian Penal Code, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners submits that the petitioners are the in-laws of the victim lady. No overt act has been attributed to the petitioners. The alleged incident occurred about 15 years after the marriage. The principal accused being the husband of the victim lady had already been enlarged on bail. Upon completion of investigation chargesheet has also been filed. As such custodial interrogation of the petitioners, is not warranted in the facts and circumstances of the present case.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the *post-mortem* report and the statement

of the witnesses, particularly the statement of the son of the deceased.

Prima facie, the materials disclose the direct involvement of the petitioners in the alleged offence. Considering the gravity of the offence and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour.

Accordingly, the application being C.R.M. No.285 of 2021 is dismissed.

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.)