

28.04.2021

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AN/ Ct. No. 1

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 439 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 314/2020 dated 07.07.2020 under sections 498A/307 of the Indian Penal Code, 1860 in connection with G.R. Case No. 522/2020.

And

In the matter of : **Amjad Hussain & Ors.**

... Petitioners

Ms. Suman Sehanabis Mandal

Ms. Arpita Saha

... for petitioners

Mr. Ujjwal Luksom

Mr. Sourav Ganguly

... for state.

The petition under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Amjad Hussain and Ors.** is taken up for hearing and order.

Petitioners have joined in praying for anticipatory bail. Ms. Sehanabis, learned advocate appears on behalf of petitioners, who are in laws of complainant. She submits, principal accused husband has been enlarged on bail. Her clients have been falsely implicated. Mr. Luksom, learned advocate appears on behalf of State. He hands up case diary to oppose the prayer. He refers to the statement under section 161 of the Code of Criminal Procedure. On query from Court,

he submits, husband has been granted bail upon having been in custody. Charge sheet, however, has not been submitted.

We have perused the statement and in view of circumstance of principal accused having been granted bail, we are inclined to allow the prayer for anticipatory bail to the petitioners.

Accordingly, we direct that in event of arrest petitioners shall 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 meet the investigating officer once a week till submission of the charge-sheet.

The application for anticipatory bail is, accordingly, **allowed**.

CRM 439 of 2021 is disposed of.

(Arindam Sinha, J.)

(Rajarshi Bharadwaj, J.)