

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

28.09.2021
Court No.01
Item No.25
Avijit Mitra

CRM 547 of 2021 (Through Video Conference)

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

And

In Re: Mohammad Raju alias Raju Haque alias Md. Raju & ors.

...Petitioners

Mr. Amales Roy,
Mr. Deborshi Dhar

...For the Petitioners

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee,

...For the State

Apprehending arrest in connection with Matigara Police Station Case No.165 of 2021 dated 09.03.2021 under sections 498A/494/325/354 of the Indian Penal Code, the present application has been preferred.

Mr. Roy, learned advocate appearing for the petitioners submits that the petitioner no.1 is the brother-in-law, petitioner no.2 is the mother-in-law and the petitioner no.3 is the sister-in-law of the victim lady. They have been falsely implicated. No overt act has been attributed to the petitioners. The principal accused is the husband. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Luksom, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statement of witnesses as recorded under Section 161 of the Code and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners no.2 and 3 is not warranted, more so when *prima facie*, there is no likelihood that the said petitioner nos. 2 and 3 would flee from justice and as such, the prayer for anticipatory bail of the petitioner nos. 2 and 3 is allowed.

Accordingly, we direct that in the event of arrest the petitioners no.2 and 3, namely, **Firoza Begum and Mamta Begum alias Mamata Mia** 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. However, there are incriminating materials against the petitioner no.1 and considering the nature of accusations levelled against him, we are not inclined to exercise any discretion in favour of the petitioner no.1 and the prayer for anticipatory bail of the petitioner no.1 is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.547 of 2021 is partly allowed.

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.)

