

08.02.2022
Item no. 11
Court No.32
Avijit Mitra

C.R.M.(A) 185 of 2022

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

And

In Re : Najimuddin Biswas & ors.

.... petitioners

Ms. Sananda Bhattacharya

....for the petitioners

Md. Anwar Hossain,

Ms. Benazir Hasna

..... for the State

Apprehending arrest in connection with Haringhata Police Station Case No.47 of 2021 dated March 05, 2021 under Sections 305/34 of the Indian Penal Code, the present application has been preferred.

Ms. Bhattacharya, learned advocate appearing for the petitioners submits that the petitioners have been roped in on a purported plea that the victim had committed suicide as the petitioner no.3 refused to marry him. The allegations are unfounded and upon completion of investigation chargesheet has been submitted. In view thereof, the petitioners may be granted anticipatory bail.

Mr. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary. Answering our query, he submits that there was no suicidal note and that investigation has already been completed.

Whether the acts of the petitioners, *per se*, would constitute abetment of suicide is a matter to be decided at the

appropriate stage of the trial. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Najimuddin Biswas, Mariyam Biswas @ Taslima Bibi and Arina Biswas @ Mili**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 185 of 2022 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

