

CRM(A) No.301 of 2022

**Via video conference**

15.02.22

(S.R.)

Sl.56

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Palashipra** Police Station Case No.18 of 2022 dated 08/01/2022 under Sections 498A/323/326/307 of the Indian Penal Code;

And

**In re: Sofikul Sk. & Ors.**

**... petitioners.**

Mr. Asraf Mandal

... for the petitioners.

Mr. Tanmay Kr. Ghosh, SGA

Mr. Arindam Sen

...for the State.

Mr. Mondal, learned lawyer appearing for the petitioners submitted that the present petitioners are falsely implicated without having any incriminating element against them. They have nothing to do with the alleged offence. The present petitioners are in-laws of the victim lady and are not related to perpetration of any offence as alleged. Accordingly, anticipatory bail is prayed for on any stringent condition.

*Per contra*, Mr. Ghosh, learned lawyer appearing for the State strongly objected to bail on the ground that investigation is still pending and there are incriminating elements against the present petitioners. He relied upon the statements of the witnesses and the injury report in this regard.

We have heard rival submissions and perused the case diary. The injury report shows simple injury. The allegations are *omnibus* in nature. No specific overt act has been attributed to the petitioners although investigation is pending. We are of the considered opinion that custodial detention for interrogation is not necessary in the instant case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Sofikul Sk., 2. Chalerhar Bibi, and 3. Tumpa Khatun**

will be released on 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, 1973 with a further condition that the petitioner no.1 shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates as specified for hearings.

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 bail being CRM(A) No.301 of 2022 is, accordingly, 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.)**