

22.02.2022
Item no. 24
Court No.32
Avijit Mitra

C.R.M. (A) No. 302 of 2022

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

And

In Re : Sk. Shidul Haque & anr.

.... petitioners

Mr. Rabi Shankar Chattopadhyay,
Mr. Santanu Maji

....for the petitioners

Mr. S.G. Mukherjee, Ld.P.P.,
Mr. Aniket Mitra

..... for the State

Apprehending arrest in connection with Gurap Police Station Case No.214 of 2021 dated 15.12.2021 under Sections 498A/406/354/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chattopadhyay, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the husband of the victim lady. There was a matrimonial dispute between the petitioner no.2 and his wife and the victim left her matrimonial home. Subsequent thereto, a suit for restitution of conjugal right was filed by the petitioner no.2 and the same is pending. Stridhan articles have also been returned to the victim. In the said conspectus, the custodial interrogation of the petitioners is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the code and the other documents in the case diary. Answering our

query he submits that there is no injury report in the case diary. However, investigation is still continuing.

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 their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sk. Shidul Haque and Sk. Abdul Munim**, 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) 302 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.)

