

CRM (A) 364 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Siyalam Khan @ Md. Sealam Khan & Ors.**
..... petitioners

Mr. Tapan Datta Gupta
Mr. Parvej Anam

.....**For the petitioners**

Mr. Imran Ali
Mr. Mirza Firoj Ahmed Begg

.....**For the State**

Apprehending arrest in connection with Manikchak Police Station Case No. 222 of 2021 dated 24.06.2021 under Sections 498A/304B/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no. 1 is the brother-in-law and the petitioner no. 2 is the mother-in-law of the victim lady. The petitioner no. 3 is the wife of the petitioner no. 1. They had no involvement in the matrimonial dispute between the victim lady and her husband. No specific overt act has been attributed to the petitioners. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code as well as the post mortem report. Answering

our query, he submits that there is no suicidal note and the victim lady expired five years after the marriage.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the allegations appear to be omnibus in nature. The other co-accused persons being the nephew-in-law and his wife, have also been granted anticipatory bail by a co-ordinate Bench of this Court. Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, moreso when upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Siyalam Khan @ Md. Sealam Khan, Jamina Bibi @ Jamila Bibi** and **Najema Bibi** shall 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 364 of 2022, is, thus, 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.)