

CRM(A) No.466 of 2022

Via video conference

01.03.22

(S.R.)

Sl.60

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nakashipara** Police Station Case No.649 of 2021 dated 15.12.2021 under Sections 498A/323/307/511/34 of the Indian Penal Code;

And

In re: Yanul Sekh

... petitioner.

Mr. Amanul Islam

Mr. Sourav Mukherjee

... for the petitioner.

Mr. Imran Ali

Mr. Nirupam Dhali

...for the State.

Mr. Islam, learned advocate appearing for the petitioner submits that the petitioner is the husband of the victim lady. The allegations are *omnibus* in nature. Co-accused persons, similarly situated with the petitioner, had already been granted bail by the learned Sessions Judge. In the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Ali, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses including that of the victim lady, as recorded under Section 161 of the Code. Answering our query, he submits that there is no injury report.

Heard the learned advocates and considered the materials in the case diary including the statement of the victim lady, as recorded under Section 161 of the Code wherein she had, *inter alia*, stated that she had suffered slight injury. The allegation, *prima facie*, appears to be *omnibus* in nature. The role assigned to the petitioner also, *prima facie*, appears to be similar to the co-accused persons, who have been granted anticipatory bail by the learned Court below. Considering the

nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- 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 shall attend the learned court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

The application for bail being CRM(A) No.466 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.)