

CRM (A) 626 of 2022
(via video conference)

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

In the matter of : **Sk. Sajimuddin @ Sajimuddin & Ors.**
..... petitioners

Mr. Kaustav Bagchi
Mr. Arup Sarkar
Mr. Debayan Ghosh
Ms. Priti Kar

.....For the petitioners

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Aniket Mitra

.....For the State

Apprehending arrest in connection with Pukhuria Police Station Case No. 363 of 2021 dated 14.09.2021 under Sections 306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 2 are the parents-in-law and the petitioner no. 3 is the married sister-in-law of the victim. They have been falsely implicated in an incident which occurred 17 years after the marriage of the victim. The allegations are omnibus in nature and in the said conspectus, custodial interrogation may not be necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the post mortem report.

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

Whether the alleged acts of the petitioners, *per se*, would constitute abetment of the suicide, is an issue to be decided at the appropriate stage of trial, in accordance with law. The petitioner nos. 1 and 2 are also aged persons and *prima facie*, there is no possibility that they would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Sk. Sajimuddin @ Sajimuddin, Johar Bibi @ Johor Bibi @ Johara Bibi and Kasturi Bibi @ Kastari 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 with a further condition that the petitioners shall cooperate with the investigation.

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) 626 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.)