

CRM (A) 704 of 2022
(via video conference)

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

In the matter of : **Aizaddin Pail & Anr.**

..... petitioners

Mr. Asraf Mandal

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

Mr. Debabrata Chatterjee
Ms. Manisha Sharma

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

Apprehending arrest in connection with Tehatta Police Station Case No. 76 of 2022 dated 01/02/2022 under Sections 498A/325/307/34 of the Indian Penal Code, the present application has been preferred.

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

We do not find any injury report or any seizure memo of offensive weapon in the case diary. The petitioners are the parents-in-law of the victim. They are aged persons and *prima facie*, there is also no possibility that they would flee from justice. There is no explanation as regards the delay in lodging the complaint.

Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence,

we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Aizaddin Pail** and **Alefa Pail** 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) 704 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.)