

CRM (A) 935 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.02.2022 in connection with Malda Police Station Case No. 579 of 2021 dated 09.12.2021 under Sections 498A/325/307/34 of the Indian Penal Code and subsequently Section 306 of the Indian Penal Code added.

-And-

In the matter of : **Najrul Ali & Ors.**

... ...Petitioners

Mr. Tapan Datta Gupta, Advocate

Mr. Parvej Anam, Advocate

... ... For the Petitioners

Mr. Arijit Ganguly, Advocate

Mr. Sanjib Kr. Dan, Advocate

... ... For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the State draws the attention to the dying declaration of the victim. In the dying declaration, the victim implicates the petitioners and her mother-in-law.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant bail to petitioner no. 2, mother-in-law of the deceased (Najira Bibi).

So far as the other petitioners are concerned, we are inclined to grant anticipatory bail to the petitioner nos. 1 (Najrul Ali), 3 (Rehana Bibi) and 4 (Anarul Sk).

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 (Najrul Ali), 3 (Rehana Bibi) and 4 (Anarul Sk) 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 and with a further condition that the petitioner nos. 1 (Najrul Ali) and 4 (Anarul Sk) will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 3 (Rehana Bibi) will cooperate with the investigation on further condition that petitioner nos. 1, 3 and 4 shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is partly allowed.

CRM (A) 935 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)