

CRM (A) 1361 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.03.2022 in connection with Itahar P.S. Case No.175 of 2021 dated 21.04.2021 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

-And-

In the matter of : **Samaj Ali @ Samajuddin Ahammad & Ors.**
... ..Petitioners

Mr. Kaushik Chaudhury, Advocate

Ms. Busra Khatun, Advocate

... .. For the Petitioners

Mr. Debabrata Chatterjee, Advocate

Ms. Debjani Sahu, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the husband was taken into custody and subsequently enlarged on bail. The police filed charge-sheet.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. She submits that the petitioner was involved in the act of pouring poison on the victim.

The police filed charge-sheet which is inter alia under Section 304B of the Indian Penal Code. The police did not include Section 302 of the Indian Penal Code.

Considering the fact that the police filed charge-sheet and considering the fact that husband was granted bail by the jurisdictional Court, we deem it appropriate to grant anticipatory bail to the petitioners who are the in-laws of the victim.

Accordingly, we direct that in the event of arrest, the petitioners 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 on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail is allowed.

CRM (A) 1361 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)