

CRM 4446 of 2021
(via video conference)

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

In the matter of : **Zahid Parvez @ Zahid Parwez**
..... petitioner

Mr. Tapas Kumar Ghosh
Mr. Tanmay Chowdhury
.....For the petitioner

Ms. Rita Datta
.....For the State

Apprehending arrest in connection with Bhadreswar Police Station Case No. 267 of 2019 dated July 30, 2019 under Sections 498A/304B/120B/109/302 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that there was a matrimonial dispute between the petitioner's brother and the victim and the petitioner has been falsely implicated in the alleged incident. No specific overt act has been attributed to the petitioner. Other co-accused persons have been granted anticipatory bail by a coordinate Bench of this Court. However, the husband is in custody. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses including the statement of the doctor as well as the post mortem report.

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

The petitioner's name does not feature in the statement of the victim before the doctor, who treated her. No specific overt act has been attributed to the petitioner. Assessing the role assigned to the petitioner, it appears that he is placed at a better footing than the councillor, who had already been granted anticipatory bail. Considering the manner in which the offence has taken place and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary, moreso when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Zahid Parvez @ Zahid Parwez** shall 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses.

He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 4446 of 2021, 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.)