

CRM 7862 of 2021
(via video conference)

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

In the matter of : **Debu Chowdhury & Anr.**

..... petitioners

Md. Zeeshan Uddin
Mr. Kazi M. Rahaman

.....For the petitioners

Ms. Sonali Das

.....For the State

Apprehending arrest in connection with English Bazar Police Station Case No. 1451/21 dated 24.10.2021 under Sections 498A/306/34 of the Indian Penal Code, the instant application for anticipatory bail is filed.

Md. Zeeshan Uddin, learned advocate appearing for the petitioners submits that the petitioner no. 1 is the husband and the petitioner no. 2 is the married sister-in-law of the victim. They have been falsely implicated. The victim committed suicide within 10 months of marriage. On the date of the alleged incident, the petitioner no. 1 was not in Malda. The allegations are omnibus in nature. In the said conspectus, the petitioners may be granted anticipatory bail on any stringent condition.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the post mortem report. She further

submits that investigation is still continuing and as such, the petitioners are not entitled to be relief, as prayed for.

Heard the learned advocates and considered the materials in the case diary including the statements of the witnesses. *Prima facie*, the allegations appear to be omnibus in nature and there is also no dying declaration. Whether the acts of the petitioners would, *per se*, constitute abetment of suicide, is an issue to be decided at the appropriate stage of proceeding. As such, we are of the opinion that custodial interrogation of the petitioners is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Debu Chowdhury** and **Tapasi Chowdhury** 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 further condition that the petitioner no. 1 shall meet with the investigating officer of the case once in a fortnight till investigation is over.

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 7862 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.)