

18.01.2022
Ct. No. 32
Sl. No.24
sdas

C. R. M. 8530 of 2021
[via video conferencing]

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

And

In Re: *Imamul Mondal*

... .. Petitioner

Mr. Sourav Mukherjee
Mr. Amanul Islam

... .. for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta

... .. for the State

Apprehending arrest in connection with Chapra Police Station Case No. 479 of 2021 dated 30.10.2021 under Sections 498A/34 of the Indian Penal Code added Section 304B of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, this application has been preferred by the petitioner.

Mr. Islam, learned advocate appearing for the petitioner, submits that petitioner is the brother-in-law of the victim. No specific overt act has been attributed to the petitioner. Principal accused being the husband of the victim has already been arrested and is presently in custody. He further submits that the alleged incident occurred about three years after the marriage and the victim committed suicide at her parental house.

Ms. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the

witnesses as recorded under Section 161 of the Code and the dying declaration.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statements of the witnesses as recorded under Section 161 of the Code, the dying declaration, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, *Imamul Mondal* 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 a local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail, being CRM 8530 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)