

21.01.2022
Item no. 03
Court No.32
Avijit Mitra

C.R.M. 8534 of 2021 (Through Video Conferencing)

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

And

In Re : Sk Jiaul Islam & anr.

.... petitioners

Mr. Ramashis Mukherjee,

....for the petitioners

Mr. Debabrata Chatterjee,

Mr. Manasi Roy,

Ms. Mousumi Sarkar

..... for the State

Apprehending arrest in connection with Panskura Police Station Case No.531 of 2021 dated 08.11.2021 under Sections 498A/307/406 of the Indian Penal Code read with Sections 3 & 4 of Dowry Prohibition Act, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no.2 is the sister-in-law of the victim. They have been falsely implicated in an incident which occurred about two years after the marriage. There was a subsisting dispute between the petitioner no.1 and the victim. A restitution suit preferred by the petitioner no.1 is also pending. In the said conspectus, custodial interrogation is not necessary.

Ms. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sk Jiaul Islam and Lilufa Begam @ Nilufa Begam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 with a further direction that petitioner no.1 shall meet with the Investigating Officer once a week till investigation is complete.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.8534 of 2021 is 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.)

