

21.01.2022
Item no. 07
Court No.32
Avijit Mitra

C.R.M. 8667 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. Noor Mohammad & ors.

.... petitioners

Sk. Moinuddin

....for the petitioners

Mr. Arup Sarkar

..... for the State

Apprehending arrest in connection with Jangipara Police Station Case No.289 of 2021 dated 18.11.2021 under Sections 498A/307/354B/406 of the Indian Penal Code and Sections 3 and 4 of D.P. Act, the present application has been preferred.

Mr. Moinuddin, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and petitioner nos. 2 and 3 are the parents-in-law of the victim. They have been falsely implicated. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code and statement of other witnesses as recorded under Section 161 of the Code and the injury report.

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

Prima facie, we find incriminating materials against the petitioner no.1. Considering the nature of allegations and the extent of his complicity, we are not inclined to exercise any discretion in his favour, more so when investigation is still continuing. As such, the prayer of the petitioner no.1 is refused.

Considering the nature of accusations against the petitioner nos. 2 and 3, we are of the opinion that their custodial interrogation is not warranted more so when, they are aged persons and there is also no possibility that they would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3 namely, **Sk. Iliyas @ Sk. Iliyas Ali and Noorjahan Begum**, 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 with a further direction that petitioners no.2 and 3 shall cooperate with the investigation.

The petitioners no.2 and 3 shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners no.2 and 3 shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners no.2 and 3 fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to

cancel the bail of the petitioners no.2 and 3 without any further reference to this Court.

The application for anticipatory bail being C.R.M.8667 of 2021 is partly allowed.

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.)