

CRM No.8853 of 2021

Via video conference

10.02.22

(S.R.)

Sl.206

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Islampur** Police Station Case No.412 of 2021 dated 02/07/2021 under Sections 498A/304B of the Indian Penal Code;

And

In re: Abdur @ Abdul Zahid & Anr.

... petitioners.

Mr. Amit Ray

Mr. Soupal Chatterjee

... for the petitioners.

Mr. S.S. Imam

Mr. S. Kundu

...for the State.

Mr. Ray, learned advocate appearing for the petitioners submits that the petitioner no.1 is the brother-in-law and the petitioner no.2, presently aged about 72 years, is the father-in-law of the victim. They have been falsely implicated. No specific overt act has been attributed to them. The principal accused being the husband was arrested and subsequently enlarged on bail. In the said conspectus, custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail subject to any stringent condition.

Mr. Kundu, learned advocate appearing for the State has drawn our attention to the statements of the witnesses as well as the post mortem report. Answering our query, he submits that investigation is still continuing.

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

Prima facie, no specific overt act has been attributed to the petitioners herein. Considering the nature of such accusations and the possible 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, **1. Abdur @ Abdul Zahid and 2. Rahimuddin @ Chepa** will 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 a further condition that the petitioners shall meet with the investigating officer once in a week till investigation is complete.

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

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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.8853 of 2021 is, accordingly, 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.)