

27.09.2022
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4531 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Arambagh** Police Station Case No. **174** dated **15.06.2022** under Sections **306/34** of the Indian Penal Code.

-And-

In the matter of : **Sk. Saidul Ali @ Aidin**
... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal, Advocates
... .. *For the Petitioner*

Mr. Saswata Gopal Mukherji, Id. PP
Mr. Imran Ali,
Ms. Debjani Sahu, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He refers to a police complaint dated May 12, 2022 lodged by the wife of the deceased.

Learned advocate appearing for the State refers to the materials in the case diary including a statement of the mother of the victim recorded under Section 161 of the Criminal Procedure Code.

The postmortem report of the victim suggests that the victim committed suicide.

The victim is the husband of the lady lodging the prior police complaint dated May 12, 2022, *inter alia*, under Section 498A of the Indian Penal Code.

In such complaint the wife claimed that her husband and the mother-in-law were involved in forcing her into extending several favours in lieu of money.

The Court is informed that the police filed charge sheet in the police complaint dated May 12, 2022 filed by the wife, *inter alia*, against the mother-in-law of the wife.

In such circumstances, the plea of false implication cannot be overlooked at this stage.

Consequently, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4531 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)