

08.03.2022

COURT : 01
ITEM : 32
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (A) 121 of 2022

In Re:- An application for **anticipatory bail** under section **438** of the Code of Criminal Procedure filed on March 7, 2022 in connection with Haldibari Police Station Case No. 261 of 2021 dated 29.10.2021 under Sections 498A/304B of the Indian Penal Code. (G.R. Case No. 676 of 2021)

And

In the matter of: **Malek Haque & Anr.**

...Petitioners

Ms. Madhushri Dutta, Advocate

...for the Petitioners

Mr. Ujjwal Luksom, Advocate

Ms. Namrata Das, Advocate

...for the State

Apprehending arrest in connection with Haldibari Police Station Case No. 261 of 2021 dated 29.10.2021 under Sections 498A/304B of the Indian Penal Code; the petitioners have filed the instant application for anticipatory bail.

The petitioners are the younger brother-in-law and his wife. In course of hearing, it has been brought to our notice that the other family members including the husband of the victim lady had already been enlarged on bail. Furthermore, we find that the allegation made in the FIR is omnibus and attributable to the conduct of all the persons. In such view of the matter, we do not think that custodial interrogation of the petitioners is necessary.

As such, the prayer for anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioners, namely **Malek Haque & Lovely Khatun** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, to the satisfaction of the arresting officer and also subject to conditions as enshrined under Section 438(2) of the Code

of Criminal Procedure and on further condition that the petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date and on further conditions that the petitioners shall appear before the Court below on every date fixed for hearing. .

The application being **CRM (A) 121 of 2022** is accordingly **disposed of.**

(Harish Tandon, J)

(Rabindranath Samanta, J)