

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

04.05.2022

Item no.13
Court No.01
Avijit Mitra

CRM (A) 200 of 2022

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

And

In Re :Ajijar Rahaman Mallik & ors.

.... petitioners

Mr. Hillol Saha Poddar

....for the petitioners

Mr. Ujjwal Luksom,

Mr. Sagnik Sankar Sikdar

..... for the State

Apprehending arrest in connection with Sahebganj Police Station Case No.470 of 2020 dated 29.10.2020 under Sections 498A/326/307/34 of the Indian Penal Code added Section 302 of the Indian Penal Code, the present application has been preferred.

Mr. Poddar, learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 4 are the elder brothers-in-law of the victim. The petitioner nos. 2 and 3 are the sister-in-law and the nephew of the victim respectively. All of them have been falsely implicated. The prime accused is the husband of the victim, who was arrested and subsequently he had been enlarged on bail. Upon completion of investigation chargesheet has also been filed. As such, custodial interrogation of the petitioners may not be necessary.

Mr. Luksom, the learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary..

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of the complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Ajjar Rahaman Mallik, Rahima Bibi @ Amena Bibi, Abdur Rahim Mallik and Belal Hossain Mallik**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 appear before the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 200 of 2022 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.)