

10.05.2022
Court No.01
rpan/ 05

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

CRM (A) 239 of 2022

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

And

In Re: Oidul Mia @ Rahidul Mia & Another

- Petitioners

Mr. Subhasish Misra,
Mr. Swarup Das
...for the Petitioners
Mr. Saikat Chatterjee,
Ms. Namrata Das
...for the State

Apprehending arrest in connection with Dinhata Women Police Station Case No.102 of 2021 dated 16.12.2021 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no.2 is the brother-in-law of the victim lady. They have been falsely implicated. The allegations are omnibus in nature. The petitioner no.1 was also not present on the date of the alleged incident. In the said conspectus, custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail on any stringent condition.

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

witnesses as recorded under Section 161 of the Code and the *post-mortem* report.

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

Prima facie, it appears that the allegations are omnibus in nature. No specific overt act has been attributed to the petitioners. Considering the manner in which the offence has taken place and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Oidul Mia @ Rahidul Mia** and **2. Rahim Mia** shall 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 they shall meet with the Investigating Officer of the case once a week till the investigation is complete.

It is further directed that the petitioners shall appear before the learned Court below on all the dates specified for hearing and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the learned trial

court shall be at liberty to cancel the petitioners' bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 239 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.)