

28.03.2023

Serial no. 12

[Dd]

(Anticipatory Bail)

Petn. 1 and 2(**Allowed**)

Petn. 3 **Dismissed as Infructuous**

CRM (A) 1191 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Pandaveswar** Police Station Case No. **2** dated **04.01.2023** under Sections **498A/313/34** of the IPC.

-And-

In the matter of : **Asmina Khaun @ Khatun & Ors.**

... .. **Petitioners**

Mr. Amajit De,

Mr. Shakshi Rathi,

Mr. Pratik Acharjee, Advocates

... .. *For the Petitioners*

Ms. Kum Kum Mitra, Advocate

... ..*For the State*

The Court is informed that the 3rd petitioner surrendered before the jurisdictional Court and was taken into custody.

The statement of the de facto complaint recorded under Section 164 of the Criminal Procedure Code is directed against the 3rd petitioner.

In such circumstances, CRM (A) 1191 of 2023 is dismissed as infructuous so far as the 3rd petitioner (Kazi Asraf) is concerned.

Considering the materials in the case diary and the involvement of the 1st and 2nd petitioners in the incident, we are inclined to grant anticipatory bail to the petitioner no. 1 (Asmina Khaun @ Khatun) and petitioner no. 2 (Kazi Rabiul Mehbub Alam).

Accordingly, we direct that in the event of arrest the petitioner no. 1 (Asmina Khaun @ Khatun) and petitioner no. 2 (Kazi Rabiul Mehbub Alam) shall be released on bail upon

furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 no. 2 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 1 shall cooperate with the investigation till its completion and on further condition that the petitioner nos. 1 and 2 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 nos. 1 and 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayers for anticipatory bail of the petitioner nos. 1 and 2 are **allowed**.

CRM (A) 1191 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)