

08.06.2023
SL No.17
Court No.1
Sb/Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 263 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.540 of 2021, dated 18.10.2021 under Sections 306/34 of Indian Penal Code, 1860.

And

In the matter of : **Nur Zamal Haque @ Nurzamal Miah**

- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Abhijit Sarkar

Mr. Dhiman Sil

... For the State.

1. Learned Counsel for the petitioner submits that the petitioner is a relative of the principal accused, Minu Khatun. It is submitted that the petitioner is innocent and, is in no way, involved in the alleged offence.
2. Learned Counsel for the State opposes the prayer for anticipatory bail.
3. Considering the materials available in the case diary and having regard to the cause of death which is *ante mortem* in nature and considering the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the accused/petitioner is not necessary and accordingly, we **allow** the prayer for anticipatory bail of the petitioner on the following conditions:

- i. In the event of arrest, the accused/petitioner, namely, **Nur Zamal Haque @ Nurzamal Miah**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
 - ii. The petitioner shall cooperate with the investigation.
 - iii. The petitioner shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.
4. The application for anticipatory bail is, thus, disposed of.
 5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)