

05.07.2023
Item no.19.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 474 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sitai Police Station Case No.60 of 2011 Dated 15.08.2011 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: Ajajul @ Ejajul Miya @ Moni Mia.

.....Petitioner.

Mr. Pronajit Roy, for the Petitioner.

Mr. Aditi Shankar chakraborty, Ld. APP,
Mr. Sourav Ganguly, for the State.

The petitioner is the maternal uncle in law of the victim lady. The allegation is under Sections 498A/302/34 of the Indian Penal code.

The petitioner says that he has no role to play in the death of the victim. It was a case of suicide. He does not reside in the same house. Chargesheet was submitted in 2013 after completion of investigation. There is necessity for his custodial interrogation any further. If any further investigation is held he is ready, willing and prepared to co-operate.

Learned advocate for the State produces the case diary. We have seen the material therein including the Post Mortem Report.

We are also told that the three other accused persons being the brother in law and two sisters in law of the victim lady, who resided in the same house, have been granted anticipatory bail by this court.

On an overall consideration of the facts and circumstances of the case, we are of the considered view that further custodial interrogation if any of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Ajajul @ Ejajul Miya @ Moni Mia** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the Arresting Officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders. It is further ordered that the present accused petitioner is to appear before the learned Additional Chief Judicial Magistrate, Dinhata within three days from the date of uploading server copy of this order. Learned Additional Chief Judicial Magistrate, Dinhata is to act upon the server copy of this order.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 474 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)