

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

16.10.2023.
2/pm

C.R.M.(A) 880 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 04.10.2023 in connection with Falakata P.S case no. 433 of 2023 dated 30.08.2023 under Sections 498A/306/34 of the Indian Penal Code and corresponding to G R Case No. 1653 of 2023.

Allowed

In Re : Rakibul Islam @ Rafikul Alam & Ors. petitioners

Mr. Jaydeep Kanta Bhwmik,
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar,
Mr. Tushar Debnath

..... for the petitioners

Mr. Ujjwal Luksom,
Ms. Sukanya Adhikary

..... for the State

Learned advocate for the petitioners submit that following a dispute cropped up in between the husband and the victim, victim committed suicide. He submits that the present petitioners would live in a separate mess and he submits that custodial interrogation is not necessary and petitioners can be extended benefit under Section 438 of the Code of Criminal Procedure.

Learned advocate for the State opposes the prayer for anticipatory bail of the petitioners.

Heard learned advocates appearing for the respective parties. Perused the Case Diary and other materials on record

including the post-mortem report and considering the same it appears that prima facie there is no specific allegation against the present accused persons.

On such hearing and on perusal of the records and considering the facts and circumstances of this case, we are of the view that custodial interrogation of the petitioners is not required and the benefit under Section 438 of the Code can be extended to the petitioners.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand), each with two sureties of equal amount each to the satisfaction of the learned CJM, Alipurduar subject to the conditions that the petitioners shall cooperate with Investigating Officer. Petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 880 of 2023 is disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)