

28.08.2024
Court No.29
Item No. 35

Allowed

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CRM (A) 2930 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 790 of 2024 dated 29.07.2024 under Sections 498A of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad at Berhampore.

And

In Re: **Jakir Hossain & Ors.**

Petitioner

Mr. Ali Ahasan Alamgir, Adv.
Ms. Soma Mal,
Ms. Rabia Khatoon,

For the petitioner

Mr. Sudip Kumar, Adv.
Mr. Aslam Parvez

For the State

1. The petitioners are the in laws of the deceased. It is submitted on behalf of the petitioners that the marriage between the victim and the principal accused took place 10 years ago and due to matrimonial dispute the petitioners have been falsely implicated.
2. The learned Counsel for the State in opposing the prayer has referred to the statement of the neighbours recorded under Section 180 BNSS and the post mortem report.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of the alleged offence, and *prima facie* it appears from the case diary that the husband of the deceased used to physically and mentally torture the deceased and there is no specific

avert act attributed to the petitioners, we are of the view that the custodial interrogation of the petitioners are not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Jakir Hossain, Sirina Bibi, Samim Hasan, Chand Mohammad** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 482(2) of the BNSS, 2023. The **Petitioner nos. 1, 3 and 4** shall meet the Investigation Officer once in a fortnight till the submission of the final report and the **petitioner no.2** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad at Berhampore within two weeks from date in connection with G.R. Case no.3584 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court

(Soumen Sen, J.)

(Uday Kumar, J.)