

05.09.2024
AD-09
Court No.29
TN
(Allowed)

CRM (A) 3053 of 2024

In Re:- An application under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Harishchandrapur Police Station Case No. 456 of 2024 dated 02.06.2024 under Sections 498A/304B & 34 of the IPC, 1860.

And

In the matter of: **Md. Sajjad Khan @ Sajjad Khan and others**
.... petitioners

Ms. Arpita Goswami
....for the petitioners

Mr. Debabrata Chatterjee,
Ms. Suparna Chatterjee
....for the State

1. The petitioners are in-laws of the deceased. It is submitted that the petitioners are innocent and have been falsely implicated.
2. The learned counsel for the State in opposing the prayer has referred to the statement of the family members of the deceased and the neighbours, the post mortem report and it is further submitted that the family members of the deceased have been threatened by the petitioners. It is, however, submitted that the husband of the deceased is in custody.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, the post mortem report which shows *prima facie* that the death was due to hanging and no external injury was found on the body of the

deceased and the husband of the petitioner against whom all witnesses have made specific allegation, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Md. Sajjad Khan @ Sajjad Khan, Manjuri Khatun @ Manjuri Bibi, Muktar Khan @ Muktar Kha** and **Atiman Bibi @ Atiban Bibi** respectively 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, 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, corresponding to Section 482(2) of the BNSS, 2023.
5. The petitioner nos.1 and 3 shall meet the Investigating Officer once in a week till submission of the final report and the petitioner nos.2 and 4 shall meet the Investigating Officer as and when required following the norms of the female accused.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)