

13.09.2024
Court No.29
Item No. 28

Allowed

SM/Asis

CRM (A) 3295 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Mallarpur Police Station Case No. 87 of 2024 dated 21.04.2024 under Sections 498A/323/325/307/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, presently pending before the Court of learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

And

In Re: **Alam Sk. @ Imel Sk. & Ors.**

Petitioners.

Mr. Sanjib Kumar Dan

For the Petitioners

Mr. Arindam Sen,
Mr. Saptarshi Chakraborty.

For the State

1. Heard the learned counsel for the parties.
2. Learned Counsel for the petitioners submits that due to family dispute and matrimonial discord between the de facto complainant and her husband, the in-laws have been falsely roped in.
3. Learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the injury report and the statements of the witnesses.
4. 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 having regard to the fact that the petitioners are in-laws of the de facto complainant and no specific overt act would be ascertained from the Case Diary and the nature of the injury appears to be simple, we feel that the custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Alam Sk. @ Imel Sk., Mersajahan Ali @ Sajai Mir, Mir Najim Ali @ Vulu Mir, Ajim Abdul @ Ajim Ali and Mir Khairul Hossain @ Khudu Mir @ Mir Khudu** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer of the concerned Police Station and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall appear before the Investigating Officer of the concerned Police Station once in a fortnight till the submission of the final report and on further condition that the petitioners shall appear before the jurisdictional Court within two weeks and on every date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)