

19.02.2024
Item No.67
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5307 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kharagpur All Women** Police Station Case No. **78/2023** dated **25.07.2023** under Sections **498A/323/307/313/406/509/34** of the Indian Penal Code, 1860 and Sections **3/ 4** of the Dowry Prohibition Act.

And

In the matter of : Md. Sartaj Alam & ors.

..... petitioners

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha

....for the petitioners

Mr. Saryati Datta

....for the State

Mr. Soumik Ganguli

....for the de facto complainant

Husband that is petitioner no.1 surrendered before the jurisdictional Court.

In such circumstances CRM(A) 5307 of 2023 is dismissed as infructuous so far as petitioner no.1, namely, Md. Sartaj Alam is concerned.

So far as other petitioners are concerned, they are in-laws. Materials in the Case Diary do not suggest requirement of custodial interrogation of the other petitioners before us.

In such circumstances, we grant anticipatory bail to the petitioner nos.2 to 8.

Accordingly, we direct that in the event of arrest the petitioner nos.2, namely, Md. Mumlaj, petitioner no.3, namely, Md. Miraz, petitioner no.4, Md. Shawkat Ali @ Md. Shoukat Ali, petitioner no.5, namely, Husneara Begum @ Husmara Begum, petitioner no.6, namely, Nilufar Khatoon @ Nilu, petitioner no.7, namely, Sanjida Khatoon and petitioner no.8, namely, Shabana Khatoon @ Sabana Khatoon shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.2, namely, Md. Mumlaj, petitioner no.3, namely, Md. Miraz and petitioner no.4, namely, Md. Shawkat Ali @ Md. Shoukat Ali will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.5, namely, Husneara Begum @ Husmara Begum, petitioner no.6, namely, Nilufar Khatoon @ Nilu, petitioner no.7, namely, Sanjida Khatoon and petitioner no.8, namely, Shabana Khatoon @ Sabana Khatoon will cooperate with the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the 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.

This application for anticipatory bail in respect of petitioner nos.2, namely, Md. Mumtaj, petitioner no.3, namely, Md. Miraz, petitioner no.4, Md. Shawkat Ali @ Md. Shoukat Ali, petitioner no.5, namely, Husnara Begum @ Husmara Begum, petitioner no.6, namely, Nilufar Khatoon @ Nilu, petitioner no.7, namely, Sanjida Khatoon and petitioner no.8, namely, Shabana Khatoon @ Sabana Khatoon is, thus, allowed.

CRM(A) 5307 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)