

29.12.2022

Vacation Bench
SL No.10
s.biswas
(Partly Allowed)

C.R.M. (A) 6091 of 2022

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Burdwan Women P.S. Case No.428 of 2022** dated **03.09.2022** under Sections **498A/307/406/504/506/34** of the Indian Penal Code.

And

In the matter of: **Sorif Jiaul Hasan @ Sarif Ziaul Hassan**
@ Safifjiaul Hassan and others

....Petitioners

Mr. Subrata Bhattacharjya,
Mr. Indranuj Dutta,
Mr. Rahul Ghosal,
Mr. Suvajit Ghosh Dastidar,
Mr. Asmanur Quail

...for the Petitioners

Mr. Debabrata Chatterjee,
Ms. Purnima Ghosh

...for the State

Learned counsel for the petitioners submits before us *inter alia* that the accused petitioner nos.2 and 3 are the parents-in-law and the accused petitioner no.1 is the husband of the victim and they have been falsely entangled with the alleged offence. He further submits that there is no part played by the accused petitioners in commission of the alleged offence. He prays that the petitioners may be granted anticipatory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioner no.1 and submits that the petitioner nos.2 and 3, who happen to be the parents-in-law of the victim may be granted anticipatory bail.

We have considered the rival submissions advanced by both the parties and perused the materials gathered in the record and considering the involvement of the petitioner nos.2

and 3, namely, Mahamudul Hasan alias Mahamodul Hasan alias Maha Mudul Hasan alias Mahmudul Hassan and Shakila Bibi alias Sakila Bibi, who happen to be the parents-in-law of the victim, we are inclined to grant anticipatory bail to the petitioner nos.2 and 3, and the prayer for anticipatory bail of the petitioner no.1, namely, Sarif Jiaul Hasan alias Sarif Ziaul Hassan alias Sarifjiaul Hassan, stands rejected.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3 shall be released on bail upon furnishing a bond of ₹20,000/- each, with two sureties of like amount each, 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.

Petitioner nos.2 and 3 shall appear before the court below and pray for regular bail within four weeks from date and the petitioner accused no.1 has to be arrested by the police immediately.

The application for anticipatory bail in respect of petitioner no.1 thus stands rejected and in respect of petitioner nos.2 and 3 thus stands allowed.

(Prasenjit Biswas, J.)

(Abhijit Gangopadhyay, J.)