

20.09.2021

CRM 2897 of 2021

Court No.32
Item No.55
(ALLOWED)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 19.03.2021 in connection with Malda Police Station Case No. 689 of 2020 dated 14.11.2020 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of : **Dulal Ali @ Dula Sk. & Ors.**
...Petitioners

Mr. Souvik Mitter,
Mr. Biswajit Tiwari.

...For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra.

...For the State.

The petitioner nos. 1 and 2 are the brothers-in-law, the petitioner no. 3 is the mother-in-law and the petitioner no. 4 is the married sister-in-law of the victim lady.

Although the case has been started under Section 302 of the Code of Criminal Procedure, it appears from the post mortem report that the cause of death is hanging ante mortem. Prima facie, therefore, it appears that the victim committed suicide.

The allegations of torture and dowry demand are mostly against the husband of the victim, who was taken into custody and granted bail by the learned Trial Court. The allegations against the present petitioners in so far as they appear from the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure are general and omnibus in nature.

We have also seen the statement of the son of the victim.

On an overall assessment of the facts and circumstances of the case, the nature of allegations and the material on record, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Dulal Ali @ Dula Sk., Sahidul Ali @ Sahedur Rahaman, BanuBewa @ HurbanuBibi and RejinaBibi @ Rojina Bibi** 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2897 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)