

06. 01.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 4048 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **11/06/2021** in connection with **Raiganj Police Station Case No. 208/2021** dated **01/04/2021** under Sections **498A/304B/34** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: - **Mahadeb Ghosh & Ors.**

....petitioners.

Mr. Milon Mukherjee, Ld. Sr. Adv.,
Mr. Aritra Bhattacharya

...for the petitioners.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta,
Mr. Pratick Bose

...for the State.

Leave is granted to the petitioners' learned Advocate-on-Record to correct the cause title.

The petitioner nos. 1 and 2 are the brothers-in-law and the petitioner no. 3 is the sister-in-law of the victim lady who, according to the petitioners, committed suicide by hanging herself. The petitioners say that unfortunately, the victim lady gave birth to a child who had congenital problems. We have seen the report from A.I.I.M.S. Hospital. The child has a condition which makes it impossible for him to sit on his own without support. The petitioners say that by reason of such medical condition of the child, out of depression, the victim killed herself.

The Prosecution says that the victim was regularly tortured by the husband and the in-laws for bringing in more

dowry. Learned Counsel for the State refers to statements of neighbours recorded under Section 161 of the Code of Criminal Procedure.

We have considered the material in the Case Diary including the post mortem report which indicates that the cause of death was hanging *ante mortem*. On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Mahadeb Ghosh, 2. Joydeb Ghosh, 3. Shukla Ghosh** 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.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 4048 of 2021 is, accordingly, disposed of.

Let the medical report of A.I.I.M.S. Hospital be kept with the record.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)