

(Through Video Conference)

CRM 8716 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.12.2021 in connection with Galsi Police Station Case No. 613 of 2021 dated 20.11.2021 under Sections 498A/304B/34 of the Indian Penal Code.

-And-

In the matter of : **Esmatara Mir @ Mir Asmatara & Ors.**

... ..Petitioners

Mr. Ravi Sankar Chattopadhyay, Advocate
Mr. Uday Sankar Chattopadhyay, Advocate
Mr. Santanu Maji, Advocate
Ms. Snigdha Saha, Advocate
Mr. Pronay Basak, Advocate

... .. For the Petitioners

Mr. S.S. Imam, Advocate
Mr. S. Kundu, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the deceased was a psychiatric patient. He relies upon the medical evidence in that regard. He submits that there was a mutual settlement undertake at the behest of some members of the locality under which, the deceased took away all her 'streedhan' articles. The deceased committed suicide at her parent's house.

Learned Advocate appearing for the State draws the attention of the Court to the postmortem report and the statement recorded under Section 164 of the Code of Criminal Procedure of two persons.

Considering the gravity of the offence and the complicity of the petitioner no. 3 therein, we are not inclined to grant anticipatory bail to petitioner no. 3, Mir Samir Hossain @ Masum. However, we are inclined to grant anticipatory bail of petitioner nos. 1, 2, 4, 5 and 6.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 (Esmatara Mir @ Mir Asmatara), 2 (Hadisa Mir @ Mir Hadisa), 4 (Mir Nasir Hossain @ Nasir Ali Mir), 5 (Mir Sakir Hossain @ Roni) and 6 (Mir Jakir Hossain @ Santo) 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that petitioner nos. 4 (Mir Nasir Hossain @ Nasir Ali Mir), 5 (Mir Sakir Hossain @ Roni) and 6 (Mir Jakir Hossain @ Santo shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 1 (Esmatara Mir @ Mir Asmatara), 2 (Hadisa Mir @ Mir Hadisa) shall cooperate with the investigation and petitioner nos. 1, 2, 4, 5 and 6 shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is partly allowed.

CRM 8716 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)