

10.02.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 671 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **392** of **2021** dated **28.09.2021** under Sections 498A/304B/302/34 of the Indian Penal Code, 1860.

And

In Re : Samsun Bibi & Ors.

..... petitioners

Mr. Bitasok Banerjee

....for the petitioners

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the death of the deceased was due to natural causes. He draws the attention of the Court to the post mortem report of the deceased. The petitioners were falsely implicated. The husband of the deceased was enlarged on statutory bail.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report and the statement recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

Considering the post mortem report of the deceased, which is of the view that the death was on natural causes as

also the lung condition of the deceased and considering the fact that the husband of the deceased was enlarged on bail by the Jurisdictional Court and considering the gravity of the offence and the complicity of the petitioners therein, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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. 1, Samsun Bibi shall cooperate with the Investigation till the conclusion of the investigation and the petitioner nos. 2 and 3 i.e. Makshya Dhul Miya @ Makchedul Mia and Babu Miya @ Tapser Ali respectively shall meet the Investigating Officer and when called for till the conclusion of the investigation and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

