

04.03.2022

Serial no. 11

Dd

CRM (A) 1070 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **869** of **2021** dated **03.10.2021** under Sections **498A, 304B, 306 and 34** of the Indian Penal Code, corresponding to G.R. Case No. **2401** of **2021**.

-And-

In the matter of : **Dhiren Barman & Anr.** ... **Petitioners**

Mr. Kushal Paul, Advocate
... ... For the Petitioners

Mr. Narayan Prasad Agarwala,
Mr. Saryati Dutta, Advocates
... ...For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. The husband of the deceased was taken into custody and was granted statutory bail.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code and to the postmortem report.

In the injury column of the postmortem presence of one non-continuous ligature mark placed high up around the neck was recorded. The cause of death was recorded as due to fact of hanging, anti-mortem in nature.

Considering the postmortem report and considering the fact that husband was granted statutory bail by the jurisdictional Court and considering the gravity of the offence

and the involvement of the petitioners therein, we are inclined to 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/- (Rupees Ten Thousand Only) 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 petitioners shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioners shall meet the Investigating Officer once in a fortnight till completion of investigation.

Prayer for anticipatory bail of the petitioners is **allowed.**

CRM (A) 1070 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)