

CRM (A) 1239 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.03.2022 in connection with Dhantala Police Station Case No. 548 of 2021 dated 29.11.2021 under Sections 498A/304B/34 of the of the Indian Penal Code.

-And-

In the matter of : **Motiyar Golder @ Matiyar Goldar**
@ Motiar & Ors.

... ...Petitioners

Ms. Sananda Bhattacharyya, Advocate

... ... For the Petitioners

Mr. Debabrata Chatterjee, Id. APP

Ms. Sonali Das, Advocate

... ... For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners stand on a different footing than the husband who is in custody. The police filed charge-sheet and, therefore, custodial interrogation of the petitioners is not required.

Learned Advocate appearing for the State draws the attention to the dying declaration of the victim and to the statement recorded under Section 164 of the Code of Criminal Procedure of the mother and father of the victim. In her dying declaration, the victim narrates that there was a quarrel between her and her husband leading to the incident. In the statement recorded under Section 164 of the mother and father of the victim, they implicate all the petitioners.

Considering the fact that the husband is still in custody and considering the fact that the victim implicates the husband in her dying declaration and considering the fact that on the basis of such dying declaration, the husband and the petitioners herein can be said to be on different footing and considering the fact that the police filed

charge-sheet, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioners shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM (A) 1239 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)