

18.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1729 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jhalda** Police Station Case No. **183** of **2021** dated **23.11.2021** under Sections 498A/302/201/120B of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act.

And

In Re : Shaktipada Shaw & Ors.

..... petitioners

Mr. A. Bhattacharya

....for the petitioners

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the death was suicidal in nature. He refers to the medical documents of the victim. He submits that, the victim was a psychiatric patient. He refers to a medical certificate issued by a doctor on December 27, 2014 to the effect that the victim suffered two suicidal attack in last five years. He submits that, the husband was granted statutory bail by the Jurisdictional Court.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report of the victim and the materials in the case diary.

The post mortem report does not speak of any external injury being suffered by the deceased. It, however, specifies that the death was due to ante mortem drowning.

The medical documents annexed to the petition state that the victim was a psychiatric patient and that the victim suffered suicidal attacks on at least two occasions.

Considering the materials in the case diary, the post mortem report and the medical documents of the victim as relied upon on behalf of the petitioners, 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 nos. 1 (Shaktipada Shaw) and 3 (Santosh Shaw) shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 2 (Nirmala Shaw) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court

including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)