

30.06.2022
Serial no. 29
[Dd]
(Anticipatory Bail)
(**Partly Allowed**)

CRM (A) 3096 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kushmandi** Police Station Case No. **101** of **2022** dated **04.05.2022** under Sections **498A/302** of the Indian Penal Code and Sections **3/4** of the Dowry Prohibition Act, 1961. (corresponding to G.R.Case No. **503 of 2022**)

-And-

In the matter of : **Bristi Khatun & Anr.**

... .. Petitioners

*Mr. Mazahar Hossain Chowdhury,
Ms. Mobashshara Alam, Advocates
... .. For the Petitioners*

*Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Aniket Mitra, Advocates
... ..For the State*

Petitioners prays for anticipatory bail.

Learned advocate appearing for the State draws the attention of the Court to the postmortem report of the victim and to the documents which he claims to be dying declaration of the victim. He submits that the husband and the mother-in-law of the victim are in custody. He refers to the statement of the neighbours recorded under Section 161 of the Criminal Procedure Code. He submits that the petitioner no. 2 stands implicated.

Considering the materials in the case diary, and the involvement of the petitioners therein, we are not inclined to grant anticipatory bail to petitioner no. 2, Manglu Mahammad, who is the father-in-law of the victim.

However, so far as the petitioner no. 1, Bristi Khatun is concerned, we are inclined to grant anticipatory bail to her.

Accordingly, we direct that in the event of arrest the petitioner no. 1, Bristi Khatun shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 shall cooperate with the investigation till its completion and on further condition that the petitioner no. 1 shall appear on every date 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 petitioner no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

CRM (A) 3096 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)