

9 25.08.2022
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13 Court No.29
(AD) (Allowed)

C.R.M. (A) 3912 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mongalkote** P.S. Case No.**189 of 2022** dated **14/07/2022** under Sections **498A/406/306** of the Indian Penal Code.

And

In the matter of: Badradoja Mollick @ Badreduza Mallick & Ors.
....petitioners.

Mr. Rabiul Islam
Mr. Dhananjay Banerjee
Mr. Debabrata Mondal
Ms. Sreetama Neogi

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP
Ms. Debjani Dasgupta

...for the State.

With

C.R.M. (A) 4029 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mongalkote** P.S. Case No.**189 of 2022** dated **14/07/2022** under Sections **498A/406/306** of the Indian Penal Code.

And

In the matter of: Nural Islam Mollick @ Nurul Islam Mallick
....petitioner.

Mr. Rabiul Islam
Mr. Dhananjay Banerjee
Mr. Debabrata Mondal
Ms. Sreetama Neogi

...for the petitioner.

Mr. Pinak Kumar Mitra

...for the State.

Two applications for anticipatory bail are taken up for consideration analogously as they emanate out of the same police case.

The petitioners in **C.R.M. (A) 3912 of 2022** are in-laws of

the victim.

Petitioner in **C.R.M. (A) 4029 of 2022** is the husband of the victim.

The post-mortem report of the victim suggests death by consuming poison. The post-mortem report does not record any external injury on the body of the victim.

There are statements recorded under Section 161 of the Code of Criminal Procedure in the case diary. There is a statement of a neighbour recorded under Section 161 of the Code of Criminal Procedure. The marriage between the victim and her husband was in excess of ten years.

Considering the *omnibus* nature of allegations as against the petitioners in both the petitions and considering the fact that the post-mortem report of the victim suggests the death by consuming poison and considering the fact that more than ten years elapsed from the date of the marriage, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners in both the petitions 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 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 and 3 in **C.R.M. (A) 3912 of 2022** and petitioner no.1 in **C.R.M. (A) 4029 of 2022** will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner

no.2 in **C.R.M. (A) 3912 of 2022** will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners in both the petitions is allowed.

C.R.M. (A) 3912 of 2022 and **C.R.M. (A) 4029 of 2022** are disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)