

26.08.2022
Serial no. 10
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 4081 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. **194** of **2022** dated **21.04.2022** under Sections **498A/328/307** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act(corresponding G.R. Case No. 450 of 2022) and Charge Sheet No. 160 of 2022 dated 30.07.2022 under Sections **498A/328/307/34** of the IPC adding Sections **302/120B** of the IPC read with Sections **3/4** of the Dowry Prohibition Act.

-And-

In the matter of : **Abdul Majid & Ors.**

... .. Petitioners

Ms. Busra Khatoon, Advocate

... .. For the Petitioners

Mr. Saswata Gopal Mukherjee, Id. PP

Mr. Aniket Mitra, Advocates

... ..For the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. In particular, he draws the attention of the Court to the postmortem report of the victim, the statement recorded under Section 164 of the Criminal Procedure Code of the shop owner who sold the pesticides to the husband of the victim and to the statements of the neighbours recorded under Section 161 of the Criminal Procedure Code.

The husband of the victim is in custody.

The police filed charge sheet, *inter alia*, under Section 302 of the Indian Penal Code.

The statement of the shop owner recorded under Section 164 of the Criminal Procedure states that the husband of the victim purchased the pesticides.

The postmortem report of the victim shows that there was no external injury on the body of the victim. Opinion as to the death of the victim was kept pending till receipt of the chemical examination report of the preserved materials.

The petitioners, therefore, stand on a different footing than the husband on the anvil of the statement recorded under Section 164 of the Criminal Procedure Code.

In such circumstances, 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 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.

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

CRM (A) 4081 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

