

12 28.11.2022  
(AD) Court No.29  
(Allowed)

**C.R.M. (A) 5482 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Banshihari** P.S. Case No.**261 of 2022** dated **15/10/2022** under Sections **498A/306/34** of the Indian Penal Code giving rise to G.R. Case No.1122 of 2022.

And

In the matter of: **Khidan Sarkar @ Khitin Sarkar & Ors.**

....petitioners.

Mr. Sajal Kanti Bhattacharyya

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP  
Ms. Mousumi Sarkar

...for the State.

Petitioners pray for anticipatory bail.

The post-mortem report of the victim suggests that the victim committed suicide.

Apart from non-continuous ligature mark, there are other injuries on the body of the victim.

There are statements of the neighbours recorded under Section 161 of the Code of Criminal Procedure claiming that the victim was tortured since no baby was born after the marriage for a considerable period of time.

The police complaint was lodged eight years after the marriage.

The husband is in custody.

The investigations are yet to be concluded.

The allegations as against the petitioners appear to be *general* and *omnibus* in nature.

In such circumstances, 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/- (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.1,3 and 4 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner no.2 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 is allowed.

**C.R.M. (A) 5482 of 2022** is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**