

01.03.2023

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 892 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mayureswar** Police Station Case No. **134** of **2022** dated **31.08.2022** under Sections 498A/302 of the Indian Penal Code.

And

In Re : Banyaswar Dalui @ Dalui Baneyshwar @
Baneswar Chandra Dalui & Ors.

..... petitioners

Mr. Prosenjit Mukherjee

....for the petitioners

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

There is a dying declaration of the victim where, she claims that her husband set her ablaze by lighting the matchstick. She also stated that, she and her husband were living separately from the other in-laws.

The petitioners before us are the in-laws, which the victim herself in her dying declaration stated that, they were living separately.

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/- 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 (Banyaswar Dalui @ Dalui Baneyshwar @ Baneswar Chandra Dalui) and 3 (Manmotho Dalui @ Manmath Dalui) shall meet the Investigating Officer once a week till the conclusion of the investigation and petitioner no. 2 (Basanti Dalui @ Dalui Basanti) shall cooperate with the Investigating Officer 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)