

03.04.2023

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Ct. No. 29

CHC

Rejected

C.R.M.(A) 1210 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sonamukhi** Police Station Case No. **174** of **2022** dated **14.11.2022** under Sections **498A/307/406/34** of the Indian Penal Code, 1860 and Sections **3/ 4** of the Dowry Prohibition Act.

And

In the matter of : Habal Chandra Pal & anr.

..... petitioners

Mr. Monish Sen,

Ms. Oisani Mukherjee

....for the petitioners

Mr. Pravas Bhattacharya,

Mirza Firoj Ahmed Begg

....for the State

The in-laws of the de facto complainant are before us in this application for anticipatory bail.

Learned advocate appearing for the petitioners submits that the husband surrendered and was taken into custody by the jurisdictional Court. She submits that the police complaint was lodged eight months after the alleged incident.

Learned advocate appearing for the State draws attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code as well as the statement of neighbour recorded under Section 161 of the Criminal Procedure Code thereof. The de facto complainant in her

statement recorded under Section 164 of the Criminal Procedure Code narrates an incident of she being made to consume poison forcefully. She speaks of torture being meted out by the present petitioners also. The claim of the de facto complainant that the present petitioners also used to torture her is corroborated by statement recorded under Section 161 of the Criminal Procedure Code of neighbours of the matrimonial home of the de facto complainant.

In view of the gravity of the offence and the complicity of the petitioners as appearing from the materials in the case diary, we are unable to grant anticipatory bail to the petitioners.

CRM (A) 1210 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)