

18.05.2023

13
Ct. No. 29
CHC
Rejected

C.R.M.(A) 2050 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **80** of **2023** dated **06.02.2023** under Sections **498A/302/304B/34** of the Indian Penal Code read with Sections **3/ 4** Dowry Prohibition Act.

And

In the matter of : Soriful Islam @ Shoriful Islam

..... petitioner

Mr. Soumik Ganguly,
Md. G.N. Imrohi

....for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Partha Pratim Das,
Ms. Eshita Dutta

....for the State

The petitioner before us is the husband of the deceased.

There are statements recorded under Section 164 of the Criminal Procedure Code of the neighbours which speak of the petitioner assaulting the victim whenever he was there at the premises. The statements also suggest that there were demands for dowry made by the petitioner and his relatives. Apparently, the victim could not tolerate such amount of torture.

It is contended on behalf of the petitioner that there was a delay in the lodgment of the First Information Report and that

petitioner was not present at the time when the incident of death took place.

Those two grounds are according to us specious. Delay in lodgment of the First Information Report is not fatal to the case of the prosecution and also not at the time of consideration of application of anticipatory bail. In the facts of the present case, we are of the view that a *prima facie* case for custodial interrogation of the petitioner stands made out.

Presence of the petitioner at the time of occurrence also is not crucial.

There are statements recorded under Section 161 of the Criminal Procedure Code which squarely implicates the petitioner in assaulting the victim and also in the torture meted out on demand for dowry.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 2050 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)