

09.06.2023

Sl. 14

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2177 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Domkal** Police Station Case No. **632** dated **03.10.2022** under Sections **498A/304B/306/ 34** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: **Koulas Pal @ Kailash Pal & Anr.**

....petitioners.

Mr. Himanshu De, Sr. Adv.
Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

...for the petitioners.

Mr. Saswata Gopal Mukherji, PP
Mr. Aniket Mitra

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioner No. 1 is the elder brother of the husband of the deceased and petitioner No. 2 is the wife of the petitioner No. 1.
3. Filing of charge-sheet *inter alia* under Section 306 IPC pre-supposes that the deceased had a suicidal death.
4. Considered the materials placed by learned Counsel for the parties including the statement of the witnesses.
5. There is omnibus allegation against the present petitioners to the effect that they along with other family members tortured and harassed with the deceased for fulfillment of demand of dowry.
6. It is submitted by Mr. De, learned Senior Counsel appearing for the petitioners that the petitioners are living separately in another place. The husband and mother-in-law of the deceased have been released on regular bail in the meantime.

Charge-sheet is stated to have been filed.

7. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation in the meantime, each of the petitioners is directed to directed to appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad within 21 days from today in connection with Domkal P.S. case No. 632 dated 03.10.2022. On their appearance and application for bail each of the petitioners shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
8. Within three weeks of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O. along with a copy of such order.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 2177 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

