

13.06.2023

Sl. 89

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2216 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Suti** Police Station Case No. **42** of **2023** dated **26.01.2023** under Sections **498A/302/201/34** of the Indian Penal Code, 1860 and Sections **3/4** of Dowry Prohibition Act.

And

In the matter of: **Deju Bibi @ Deji Bibi & Ors.**

....petitioners.

Mrs. Sabana Hasin

Mr. Aritra Kumar Thokdar

...for the petitioners.

Mr. S. G. Mukherji, Ld. PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

1. Heard learned Counsel for the parties.
2. Petitioner nos. 1 and 3 are the married sister-in-law and petitioner nos. 2 and 4 are the brothers-in-law of the deceased. The occurrence happened after nine years of marriage. The dead body was buried by the family members according to their religious rites. An FIR being lodged by the father of the deceased, investigation was taken up, dead body was exhumed, challaned for Post Mortem and the Post Mortem's finding is to the effect that cause of death is manual strangulation. The time of occurrence is the midnight and the spot of occurrence is the bedroom of the husband of the deceased according to the police papers.
3. There is allegation regarding all the family members to the effect that they were harassing and torturing for fulfilment of demand of dowry. But the peculiar fact of the case is that the husband of the deceased when asked by the neighbour has

confessed before them that he has committed the murder of the deceased.

4. If totality of all the materials are taken on record, the present petitioners may at best be made liable under Section 498A IPC and Section 201 IPC. Their culpability under Section 302 IPC by aid of Section 34 thereof is a question to be found out at the time of trial but for that the liberty of the present petitioners should not be jeopardized.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners and completion of investigation, it is directed that the each of the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad in Connection with Suti Police Station Case No. 42 of 2023 dated 26.01.2023 within 15 days from today. On their appearance and application for bail they shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. It is needless to mention here that the observation made by us is purely tentative in nature and the trial Court is advised not to be influenced by our observation made on the basis of police papers.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2216 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

