

15.06.2023

Sl. 127

Court No. 29

sdas

(Allowed)

C.R.M. (A) 2254 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Berhampore Police Station Case No. 457 of 2023 dated 13.04.2023 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: **Arup Sen & Anr.**

....petitioners.

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

...for the petitioners.

Mr. S. G. Mukherji, learned PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

1. Heard the learned Counsel for the parties.
2. Petitioner no. 1 is the brother of the husband of the deceased and petitioner no. 2 is the wife of the petitioner no. 1. Deceased is the widow of the elder brother of the petitioner no. 1. She was the second wife of her husband (since deceased). There is a daughter, named Neha, from the first wife of the brother of the petitioner no. 1. She is aged about 17 years.
3. After the unfortunate death of the husband of the deceased, she along with her son came to live in the house of the present petitioners. As usual, there might have been some quarrel between two women or there might have been some issues affecting the sentiment of the deceased.
4. Be that as it may, the deceased had suffered burn injuries. The investigation is initiated on the basis of the statement of 9 years old son of the deceased and the FIR was filed after the said son of the deceased was taken to the custody by his maternal grant parents. On perusal of entire record, we find

some suspicious features in the case. This view expressed by us is purely tentative in nature and it should not influence the learned Trial Judge.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, progress of investigation, we direct each of the petitioners shall be released on bail by the Arresting Officer in the event of their arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Berhampore Police Station Case No. 457 of 2023 dated 13.04.2023 including the conditions that i) the petitioner no. 1 shall appear before the Investigating Officer once in a week on the day and time fixed by the Investigating Officer and ii) the petitioner no. 2, being a lady, shall appear before the Investigating Officer as and when required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2254 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

