

17.07.2023
(M/L 82)
Ct. No.29
Allowed
(SKB)

CRM (A) 2477 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pukhuria P.S. Case No.335 of 2022 dated 13.08.2022 under Sections 498A/302/201/34 of the Indian Penal Code.

In the matter of : Basir Ali @ Abdul Basir

... Petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray

... for the petitioner

Mr. Surindra Mahapatra,
Mr. Subham Bhakat

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the witnesses and the post-mortem report.
3. Though the death of the deceased is opined to be homicidal in nature, admittedly, the case is based entirely on circumstantial evidence.
4. The sister of the deceased has specifically stated that the present petitioner, his son and other members of the family of the in-laws of the deceased had taken the deceased to a Mela(fair). The dead body was found one day after the alleged occurrence. As it seems, the sister of the deceased has tried to rope in all the family members

of the alleged husband of the deceased. Charge-sheet is stated to be filed.

5. Regard being had to the facts and submissions, factum of permanent residence of the petitioner, nature of evidence against him and completion of investigation, it is directed that the petitioner shall appear before the learned ACJM, Chanchal, Malda in the G.R. Case No.2165 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 2477 of 2023 is disposed of.
8. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)