

18.07.2023
(M/L 134)
Ct. No.29
Allowed
(SKB)

CRM (A) 2532 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with G.R. Case No.537 of 2023 arising out of Domkal P.S. 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 of the Dowry Prohibition Act.

In the matter of : Samsunnahar Bibi and another
... Petitioners

Md. Golam Nure Imrohi
... for the petitioners

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta
... for the State

1. Heard the learned Counsel for the parties.
2. The petitioners are the mother-in-law and married sister-in-law of the deceased. The local witnesses have stated that the deceased committed suicide. The dimension of the ligature mark as found around neck of the deceased by the medical officer during Post Mortem examination is suggestive of suicidal hanging at least, prima facie. Statement of the witnesses further shows that allegation against the present petitioners regarding torture and harassment for demand of dowry is quite omnibus in nature. Investigation is stated to have progressed substantially and we do not find any justification for custodial interrogation of the present petitioners.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, the fact that both the petitioners are ladies and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioners being ladies are directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset. The petitioners shall not leave the territorial jurisdiction of the P.S. without obtaining prior leave from the IO.
4. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 2532 of 2023 is disposed of.
7. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)