

25.07.2023
(D/L 26)
Ct. No.29
Allowed
(SKB)

CRM (A) 2644 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kandi P.S. Case No.114 of 2021 dated 22.02.2021 under Sections 498A/304B/306/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

In the matter of : Sarijul Sk. @ Sorijul Sk.

... Petitioner

Mr. Jisan Iqubal Hossain,
Ms. Chandrima Debnath

... for the petitioner

Mr. Binay Panda,
Mr. Subham Bhakat

... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner is the husband of the deceased. The deceased, according to the Bar, has committed suicide within five years of her marriage. Admittedly, the petitioner was residing somewhere in Saudi Arabia to earn his livelihood and three years after the marriage with the deceased, he had left the house. Admittedly, at the time of the occurrence, the petitioner was not present in India. The CDR of the deceased has not been seized though charge-sheet has already been filed. Further it is found from the medical papers that the deceased has stated before the treating medical officer that she herself set her ablaze out of her own volition.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Kandi, Murshidabad in the G.R. case arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner shall appear before the said court on each date of substantive hearing during trial subject to provision of Section 317 Cr.P.C. The petitioner shall not leave India without obtaining prior permission from the learned trial court.
4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 2644 of 2023 is disposed of.
6. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)