

10.08.2023
ML. 216
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3010 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Saktipur** P.S. Case No. **30 of 2023** dated **01.03.2023** under Sections **498A/326/307/34** of the IPC pending before the learned CJM, Berhampore, Murshidabad

And

In the matter of: **Firoj Sk & Anr.**

....petitioners.

Mr. Somnath Adhikary

...for the petitioners.

Mr. Imran Ali

Ms. Debjani Sahu

...for the State.

1. Heard learned Counsel for both the parties.
2. The victim wife is alleged to have stated that she suffered accidental burn injury before the medical officer during treatment in the diet sheet at page No. 69 of C.D. when she was treated at Murshidabad Medical College and Hospital. In page No. 77 of the C.D. before the medical officer of M.R. Bangur Hospital, Tollygunj the victim has stated that she was set on fire by her husband and mother-in-law after sedating her with sleeping pills. In her statement under Section 161 Cr.P.C. she has stated that when she was sitting on cot talk at that time her mother-in-law and brother-in-law (present petitioner No. 2) set her on fire. There being multiple statements of the victim recorded by different authorities contradicting each other, it should be left to the wisdom of the learned Trial Court to come to the conclusion and in view of such evidence benefit of anticipatory bail should not be denied to the petitioners.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation, the fact that

there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Chief Judicial Magistrate, Berhampore, Murshidabad within 15 days from today in the G.R. case arising out of aforesaid P.S. case. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. The learned CJM is directed to act upon the server copy of this order, if required.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 3010 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

