

05.10.2023

SL. 4

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3259 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Salar** Police Station Case No. **86 of 2023** dated **08.04.2023** under Sections **498A/302/304B/34** of the IPC and adding Sections **3/4** of D.P. Act.

And

In the matter of: **Jamrul Sk. @ Jamirul Sk. & Ors.**

....petitioners.

Mr. Kallol Mondal
Mr. Musharaf Alam Sk.
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee

...for the petitioners.

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

...for the State.

Mr. Manas Kumar Das

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. It is the case of the petitioners before us who are the father-in-law, mother-in-law and aunt-in-law of the deceased that the death of the deceased wife took place on account of fall of her from cot to floor and, thus, there cannot be any justification for their interrogation in connection with the offence under Section 302/304B IPC.
3. Such contention is, however, opposed on behalf of the *de facto* complainant and according to the learned Counsel for the informant the cause of death of the decease is homicidal.
4. Learned Counsel for the State while handing over the Case Diary to us draws out attention to the postmortem report wherefrom it reveals that the autopsy surgeon kept his opinion pending till arrival of the viscera report. The viscera report has been submitted before us by the concerned I.O.

through learned Counsel for the State from which it reveals that poison could not be detected in the sample of viscera of the deceased.

5. We have meticulously gone through the postmortem report of the victim also and found no remarkable injury on her person from which a *prima facie* inference can be drawn regarding homicidal death.
6. Admittedly in the statements of the witnesses as recorded under Section 161 Cr.P.C., we found some incriminating materials as against the present petitioners to attract the offence under Section 498A IPC but in our considered view those are basically omnibus in nature.
7. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence 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.
8. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
9. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.

10. Accordingly, the prayer for the anticipatory bail is allowed.

11. The application being CRM (A) 3259 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

