

28.08.2023

ML. 563
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3384 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samshergunj** Police Station Case No. **119** of **2023** dated **24.04.2023** under Sections **498A/302/34** IPC and Sections **3/4** of the D. P. Act. (corresponding to G. R. Case No. 952 of 2023).

And

In the matter of: **Md. Nasiruddin Sk. & Ors.**

....petitioners.

Mr. Swapan Kr. Mallick
Mr. Sabyasachi Mondal
Mr. A. S. Fazlul Karim
Ms. Payel Khanra

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioners are stated to be the father-in-law, mother-in-law and married sister-in-law of the deceased.
3. On the death of the deceased on 22.02.2023, U.D. Case No. 8 of 2023 was registered. None came before the police to make any allegation. Thereafter, the present FIR was registered on 24.04.2023 on being referred by the magistrate under Section 156(3) Cr.P.C.
4. It is fairly submitted by the learned Counsel for the State that though charge is there under Section 302 IPC but from the investigation so far, it is found that the deceased had committed suicide and the charge-sheet may not be filed for offence under Section 302 IPC.
5. Regarding the basis of implication of the present petitioners, it is found from the statement of the witnesses mostly of

whom are the members of the family of the deceased that the present petitioners and the husband of the deceased were harassing and torturing the deceased for fulfillment of demand of additional dowry but such statements are omnibus in nature.

6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances
7. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3384 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

