

30.08.2023
D/L 48
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3496 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nandigram P. S. Case No.522 of 2023 dated 09.04.2023 under Sections 498A/304B/302/34 of the Indian Penal Code read with 3/4 of the Dowry Prohibition Act.

In the matter of : Rajshekhar Das

... Petitioner

Ms. Naquiba Tasheen

... for the petitioner

Mr. Saswata Gopal Mukerji, Id. PP
Mr. Aniket Mitra,
Ms. Jonaki Saha

... for the State

1. Heard learned Counsel for the petitioner, the State and the defacto complainant at length.
2. On perusal of the entire materials as placed before us, it reveals that the death of the deceased was due to the effect of hanging which reveals from the post-mortem report.
3. Admittedly, in the statement of the 2 years old son of the deceased recorded under Section 164 Cr.P.C., the minor boy has stated about pushing of her mother from the roof by the petitioner but the same gets no corroboration and/or support from the materials collected so far in course of investigation.
4. From the statements of the witnesses, we find that there was dissension between the present petitioner and the

deceased wife on account of one alleged illicit relationship of the petitioner with another lady, but in our considered view, those are at fringe.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his 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:
 - i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 3496 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)