

30.08.2023

SL. 65

Court No. 29

Suvayan

(Partly Allowed)

C.R.M. (A) 3514 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Amdanga** P.S. Case No. **116 of 2023** dated **13.03.2023** under Sections **498A/406/304B/302/34** of the IPC and Charge-sheet No. **358 of 2023** dated **08.06.2023** under Sections **498A/406/304B/306/34** of the IPC corresponding the G.R. case No. **523 of 2023** pending before the learned CJM, Barasat, North 24 Parganas.

And

In the matter of: **Rehena Bibi & Ors.**

....petitioners.

Mr. D. Deb

Dr. R. P. Motilal

Mr. Pabitra Biswas

...for the petitioners.

Mr. S. G. Mukherji, PP

Ms. Faria Hossain

Mr. Anand Keshari

...for the State.

1. Heard learned Counsel for both the parties.
2. It is submitted by learned Counsel for the State that proclamation under Section 82 Cr.P.C. has already been issued in the month of May against petitioner No. 1 (Rehena Bibi), petitioner No. 2 (Md. Masum), petitioner No. 3 (Riya Sultana @ Ruksona Sultana) and petitioner No. 4 (Saima Bibi @ Sahina Sultana).
3. In view of such fact, the present petition in respect of aforesaid petitioner Nos. 1, 2, 3 and 4 is not maintainable in view of judicial dictum.
4. So far as petitioner No. 5 (Sabir Ali @ Md. Sabir Ali) is concerned no proclamation has been issued as stated by learned Counsel for the State.
5. Petitioner No. 5 (Sabir Ali @ Md. Sabir Ali) is the husband of married sister-in-law of the deceased who is stated to have committed suicide by taking poison.

6. Such submission of learned Counsel for the State is supported by submission of charge-sheet under Sections 498A/406/304B/306/34 IPC.
7. From the evidence on record, we do not find any substantive allegation against the petitioner No. 5, Sabir Ali @ Md. Sabir Ali.
8. Regard being had to facts and submissions, factum of permanent residence of the petitioner No. 5, nature of allegation and completion of investigation, it is directed that the petitioner No. 5 shall surrender before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas within 15 days from today in the G.R. case No. 523 of 2023 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner No. 5 shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
9. The learned CJM is directed to act upon the server copy of this order, if required.
10. Accordingly, the prayer for the anticipatory bail is partly allowed.
11. The application being **CRM (A) 3514 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

