

01.09.2023
(D/L 26)
Ct. No.29
Allowed
(SKB)

CRM (A) 3614 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.530 of 2023 dated 05.05.2023 under Sections 498A/302 of the IPC with Section 4 of the Dowry Prohibition Act corresponding to G.R. Case No.2792 of 2023.

In the matter of : Jalaluddin @ Jalalu Sk and others
... Petitioners

Mr. Wasim Akram
... for the petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Soumik Ganguli
... for the State

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that so far as dying declaration of the deceased is concerned, the present petitioners have been exonerated and allegation has been made against the husband only.
3. Coming to the statements of two witnesses recorded under Section 164 Cr.P.C., one is the 10 years old daughter of the deceased and another is a neighbour of the present petitioners. Both of them have stated that the deceased, prior to her death, told them that she herself set her ablaze.
4. Be that as it may, there being no implication of the present petitioners in any of the aforesaid statements and

charge-sheet having already been filed, we do not find any justification of custodial interrogation of the present petitioners.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that each of the petitioner shall surrender before the learned CJM, Malda in the G.R. Case No.2792 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their surrender and application for bail, they shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 3614 of 2023 is disposed of.
8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)