

13.09.2023
M/L 50
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3657 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Budge Budge P. S. Case No.210 of 2023 dated 06.07.2023 under 498A/302/304B/120B of the Indian Penal Code.

In the matter of : Sk. Noor Hossain

... Petitioner

Mr. Pradip Kumar Kundu

... for the petitioner

Mr. Saswata Gopal Mukerji, Id. PP

Mr. Aniket Mitra,

Ms. Jonaki Saha

... for the State

1. Heard learned advocate for the petitioner and learned advocate for the State at length.
2. From the materials placed before us, it reveals that the victim/housewife had an unnatural death and from her post-mortem report, no specific opinion has been given by the autopsy surgeon as to whether such death is homicidal or suicidal or accidental. From the statements of the witnesses recorded under Section 161 Cr.P.C., it reveals that there are some brushing remarks with regard to the demand of dowry by the present petitioner but those are at the fringe. There are further materials to show from the statement of the sister of the deceased that immediately prior to the death of the victim, she was

suffering from various diseases including low blood pressure.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. 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.
6. The applications being CRM(A) 3657 of 2023 is disposed of.
7. 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.)