

18.09.2023
(M/L 87)
Ct. No.29
Allowed
(SKB)

CRM (A) 3694 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Durgapur P.S. Case No.172 of 2023 dated 19.03.2023 under Sections 498A/302/406/120B/34 of the IPC (G.R. Case No.558 of 2023).

In the matter of : Mili Nayak Ghosh @ Mili Ghosh
... Petitioner

Mr. Sekhar Basu, Sr. Adv.,
Mr. Rajdeep Mazumder,
Mr. Pritam Roy
... for the petitioner

Ms. Faria Hossain,
Mr. Anand Keshari
... for the State

1. Heard learned counsel for the parties.
2. The earlier petition for anticipatory bail was rejected by a co-ordinate Bench vide order dated 11.04.2023 in CRM(A) 1400 of 2023. At that time, the investigation was going on against charges under Section 302 and other sections of the IPC. Subsequently, charge-sheet has been filed under Sections 498A/306/406/120B/34 IPC and Sections 3/4 of the Dowry Prohibition Act.
3. The present petitioner is a distant relative of the husband of the victim. From the C.D., it is found that over a land dispute, the husband of the victim, namely, Amit Kumar Mondal committed murder of his wife and two children and later on he committed suicide by hanging himself.

Such a turn in the case is certainly a supervening circumstance warranting reconsideration of the prayer of the anticipatory bail.

4. From the materials on record, we do not find any specific overt act on the part of the present petitioner so far as the factful incident is concerned.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Durgapur, Paschim Bardhaman in the G.R. Case No.558 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he 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) 3694 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.)