

19.09.2023
(M/L 159)
Ct. No.29
Partly Allowed
(SKB)

CRM (A) 3768 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Balurghat P.S. Case No.372 of 2023 dated 09.05.2023 under Sections 798A/306/304b/34 of the Indian Penal Code (G.R. Case No.907 of 2023).

In the matter of : Ainul Islam Miya
@ Ainul Islam and others
... Petitioners

Mr. Biswajit Manna
... for the petitioners

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

1. Learned advocate for the petitioner at the very outset submits before this court that he is not pressing the instant application for anticipatory bail in respect of petitioner no.1, since he has been arrested in the meantime.
2. Such being the position, the prayer of the petitioner no.1, Ainul Islam Miya @ Ainul Islam is dismissed being not pressed.
3. Heard learned advocates for the parties in respect of the anticipatory bail with regard to the prayer of the petitioner nos.2 to 4.
4. From the materials as placed before this court, we find that the deceased housewife committed suicide on 08.05.2023 at her paternal home after she was driven out from her matrimonial home on 06.05.23 by her husband and the present petitioners who are her mother-in-law, brother-in-law and sister-in-law respectively.

5. On perusal of the statements of the witnesses, we find *prima facie*, no material under Section 107 IPC as against the present petitioner nos.2 to 4.
6. Investigation is stated to have been completed in the meantime.
7. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation, it is directed that each of the petitioner shall surrender before the learned CJM, Dakshin Dinajpur in the G.R. Case No.907 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.
8. Accordingly, the prayer for the anticipatory bail is allowed in respect of petitioner no.2, Sayra Bibi @ Saira Bibi, petitioner no.3, Saifur Islam, petitioner no.4, Mostara Bibi @ Mostara Khatun.
9. The application being CRM(A) 3768 of 2023 is disposed of.
10. 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.)