

20.09.2023
ML. 197
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3805 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Mahishadal** Police Station Case No. **265 of 2023** dated **06.05.2023** under Sections **498A/304B/34** of the IPC.

And

In the matter of: **Sk. Nurul & Ors.**

....petitioners.

Mr. Sekhar Basu, Sr. Adv.
Mr. A. K. Samanta

...for the petitioners.

Mr. S. G. Mukherji, PP
Ms. Faria Hossain
Ms. Baisali Basu

...for the State.

1. Heard learned Counsel for both the parties.
2. Admittedly the death of the baby, Saloni Khatoon was homicidal in nature while the death of the victim housewife, Sanam Khatoon was suicidal in nature.
3. From the materials as available in the C.D., we find that on 30.04.2023 first rice giving ceremony of the deceased daughter took place in the house of the petitioners who are the father-in-law, brother-in-law and mother-in-law of the deceased respectively. From the statement of the witnesses it further reveals that immediately after the said function, the said deceased housewife and her said daughter were taken to her paternal home and they came back to the house of the petitioners on 04.05.2023 and the unfortunate incident occurred on 05.05.2023.
4. From the entire materials as placed before us, we do not find any proximate relationship with the aforesaid murder or suicide with present petitioners at least *prima facie*.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation,

nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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 conditions that:

- i) The petitioner No. 1 (Sk. Nurul) and petitioner No. 2 (Sk. Amir) are directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
- ii) The petitioner No. 3 (Abujan Bibi) is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3805 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

