

25.09.2023
D/L 41
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3941 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nabadwip P. S. Case No.258 of 2023 dated 17.05.2023 under Sections 498A/306/34 of the Indian Penal Code.

In the matter of : Arup Biswas

... Petitioner

Mr. Prasenjit Debnath

... for the petitioner

Ms. Faria Hossain,
Ms. Baisali Basu,
Mr. Anand keshri

... for the State

1. Heard learned advocates for the parties.
2. The present petitioner is the husband of the victim who, admittedly, had committed suicide. From the statements of the witnesses as recorded under Section 161 as well as under Section 164 Cr.P.C., we find that there are allegations of committing torture by the petitioner and the other co-accused persons for additional demand of dowry. However, we find those allegations are, *prima facie*, at the fringe and we also noticed no immediate proximate relationship with such allegation and the commission of suicide by the deceased.
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) 3941 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.)