

25.09.2023
D/L 42
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3942 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mohanpur P. S. Case No.142 of 2023 dated 30.05.2023 under Sections 498A/323/406/304/34 of the Indian Penal Code read with Sections 3 & 4 Dowry Prohibition Act corresponding to G.R. Case No. 543 of 2023.

In the matter of : Debu Jana and others

... Petitioners

Mr. Siddhartha Sarkar,
Mr. Hirak Roy

... for the petitioners

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas

... for the State

1. Heard learned advocates for the parties.
2. The present petitioner no.1 is the husband of the informant and the petitioner nos.2 and 3 are parents-in-law. Out of the alleged incident as involved in the present case, one Debendra Ghorai died who is the relative of the informant. From the statements of the witnesses as recorded under Section 161 Cr.P.C., it reveals that though there are allegations of tying up the victim and thereafter assaulting him by fist blows and also by break bat on his chest by the present petitioners but we find no such injuries in the post-mortem report of the victim except the injury i.e. skull haemorrhage (2 inch x 2 inch) over left occipital region just below the occipital

protuberance followed by sub dural haemorrhage. We find that the cause of death was found to be effects of head injury and the deceased had also a diseased condition of heart.

3. 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 G.R. Case No.543 of 2023 arising out of 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:

- i) The petitioner nos.1 and 2 are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
- ii) The petitioner no.3 being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
- iii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

4. Accordingly, the prayer for the anticipatory bail is allowed.

5. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
6. The applications being CRM(A) 3942 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.)