

04.10.2023  
SL. 17  
Court No. 29  
Suvayan  
(Allowed)

**C.R.M. (A) 3948 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Salar** Police Station Case No. **224 of 2023** dated **19.08.2023** under Sections **498A/302/304B/34** of the IPC.

And

In the matter of: **Hansi Bibi & Ors.**

....petitioners.

Mr. Manas Kumar Das

...for the petitioners.

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

...for the State.

Mr. Tapodip Gupta

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioner No. 1 is the mother-in-law of the deceased wife while the petitioner No. 2 is her sister-in-law and the petitioner No. 3 is the husband of the petitioner No. 2. Though the case as involved in this application was started under Section 498A/302/304B IPC as against the accused persons, we find from the postmortem report that the cause of death of the victim is on account of suicide. On perusal of the statements of the witnesses as recorded so far under Section 161 Cr.P.C., we find that there are allegations as against the present accused petitioners for inflicting torture upon the deceased on account of additional demand of dowry. But in our considered view those are *prima facie* omnibuses in nature.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence 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 (Hansi Bibi) and the petitioner No. 2 (Monifa Khatun @ Afrina Khatun) are directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till submission of F.F.
  - ii) The petitioner No. 3 (Atib Sk @ Atik Alam) is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
  - 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. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
  5. 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.
  6. Accordingly, the prayer for the anticipatory bail is allowed.
  7. The application being CRM (A) 3948 of 2023 is disposed of.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

