

03.10.2023

SL. 53

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3986 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **439** of **2023** dated **17.05.2023** under Sections **498A/304B/302/120B/34** IPC (corresponding to G.R. Case No. 1376 of 2023 pending before the Chief Judicial Magistrate, Chanchal, Malda).

And

In the matter of: **Musrafa Khatun & Ors.**

....petitioners.

Mr. Ashok Das

Ms. Roma Roy

...for the petitioners.

Mr. S. S. Imam

Mr. R. Jana

... for the State.

Mr. Soupal Chatterjee

Mr. Anupam Das

Ms. Sucheta Banerjee

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. Admittedly, the deceased has died homicidal death and the statements of the witnesses indicate the husband of the deceased to have committed the murder. Such statement of the witnesses at the best be considered as extra-judicial confession before the co-villagers. There is statement of the mediator of the marriage who has tried to rope in all the family members giving an angle of conspiracy to the murder of the deceased. There are similar such statement of some "Panch" witnesses also who had been present during salish between the parties over demand of Rs. 2 lakhs by the petitioners towards additional dowry. The immediate cause which lead to the murder of the deceased is, however, not

known.

3. We do not find any justification of custodial interrogation of the present petitioners.
4. 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 petitioners shall surrender before the learned Chief Judicial Magistrate, Chanchal, Malda, in G.R. Case No. 1376 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail, they shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. Accordingly, the prayer for anticipatory bail is allowed.
6. The application being **CRM (A) 3986 of 2023** is disposed of.
7. Learned Chief Judicial Magistrate, Chanchal, Malda is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

