

11.10.2023

ML. 14
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4103 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. **542 of 2023** dated **25.08.2023** under Sections **498A/304B/34** of the IPC.

And

In the matter of: **Archan Dhara**

....petitioner.

Mr. Soumya Basu Roy Chowdhuri

...for the petitioner.

Mr. S. G. Mukherji, PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

1. Heard learned Advocate for both the parties.
2. The petitioner is the husband of the deceased who has died of burn injury. There are no materials to show whether the burn injury was accidental or suicidal or homicidal.
3. Be that as it may, there is allegation against the petitioner to the effect that the petitioner being the husband used to inflict torture on the victim and one day prior to the occurrence quarrel took place between the husband and wife and on the next day as per version of a co-tenant at about 5.00 a.m. in the morning the incident took place according to the aforesaid witness was suicidal in nature. The cause of death of the victim as found from the postmortem examination is complicity arising out of burn injury.
4. Regard being had to the nature of allegation against the petitioner and especially the technicality of offence alleged and seriousness of the charge, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 4103 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

