

12.10.2023
ML. 38
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4127 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hariharpara** P.S. Case No. **185 of 2023** dated **30.04.2023** under Sections **498A/304B/302/34** IPC read with Section **4** of the D.P. Act corresponding to G.R. Case No. **1842 of 2023** pending before the learned CJM, Murshidabad, Berhampore.

And

In the matter of: **Jibantirani Mandal @ Jibanti Mondal & Anr.**
....petitioners.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal

...for the petitioners.

Mr. S. G. Mukherji, PP
Mr. Imran Ali
Ms. Debjani Sahu

...for the State.

1. Heard learned Counsel for both the parties.
2. Though in the statement of the mother of the deceased, we found allegation of physical assault by the husband of the deceased, thereafter dragging her from first floor to ground floor followed by forceful ingestion of poison in the mouth of the victim lady, we found *prima facie* no corroboration of such allegation either from the postmortem report of the victim as well as from the statements of the independent witnesses as recorded under Section 161 Cr.P.C.
3. Though in the statements of the independent witnesses as recorded under Section 161 Cr.P.C., we find that the deceased lady during her lifetime was subjected to mental and physical torture at the instance of the present petitioners who are mother-in-law and uncle-in-law but those allegations appear to be at the fringe.
4. Investigation is stated to have been completed and charge-sheet

has been submitted and, therefore, custodial interrogation of the present petitioners are no more required.

5. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Chief Judicial Magistrate, Murshidabad, Berhampore within 15 days from today in the G.R. case No. 1842 of 2023 arising out of aforesaid P.S. case.
6. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:
 - (i) The petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
7. The learned CJM, Murshidabad, Berhampore is directed to act upon the server copy of this order, if required.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 4127 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

