

13.10.2023

SL. 9

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4165 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nowda** Police Station Case No. **297 of 2023** dated **04.09.2023** under Sections **498A/304B/34** of the IPC.

And

In the matter of: **Sharad Mondal @ Saruk Mondal & Ors.**

....petitioners.

Ms. Sonali Das

...for the petitioners.

Mr. Saswata Gopal Mukherji, PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

Mr. Sabir Ahmed

Mr. Tasmim Ahmed

Mr. Dhiman Banerjee

Mr. Suman Biswas

Mr. Salam Chakraborty

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioner No. 1 is the husband of the deceased and others are family members of the deceased. Admittedly the deceased committed suicide in her parental home after one month of leaving her matrimonial home. There is allegation to the effect that all the family members of the deceased including her husband were harassing and torturing the deceased in the matrimonial home.
3. To justify the complicity of the petitioners in the offence under Section 304B IPC it is submitted by learned Counsel for the informant that petitioner Nos. 1, 2 and 3 were regularly threatening the deceased over phone and being unable to bear such verbal abuse over phone, the deceased committed suicide. The allegation so made is, however, omnibus in nature.
4. We feel it safe to leave the matter to the discretion of learned

Trial Court to come to a finding on the aforesaid aspects. So far as the petitioner Nos. 4, 5, 6 and 7 are concerned, we find no allegation against them in the FIR.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation 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.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. 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.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 4165 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

