

16.10.2023

SL. 11

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4201 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khargram** Police Station Case No. **220** of **2023** dated **29.06.2023** under Sections **498A/302/34** IPC (corresponding to G.R. Case No. 1195 of 2023).

And

In the matter of: **Niyamatulla Hakim @ Niyamat Hakim & Ors.**
....petitioners.

Ms. Minoti Gomes
Mr. Jisan Hossain
Ms. Chandrima Debnath

...for the petitioners.

Mr. S. G. Mukherji, Ld. PP
Mr. Aniket Mitra
Ms. Jonaki Saha

...for the State.

1. Heard learned Counsel for the parties.
2. The present petitioners are the family members of the in-laws of the deceased lady.
3. Though in the written complaint as made against the present petitioners, there is an allegation of forcible ingestion of poison but from the statements of the witnesses as recorded under Section 161 Cr.P.C., it appears to us that the victim during her lifetime was subjected to cruelty at the instance of the present petitioners and the victim herself took the poisonous substance to get rid of such alleged torture.
4. Such being the position, we are inclined to pass a favourable order in favour of the present petitioners.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation,

it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer 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 and 4 are 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 Final Form.
 - ii) The petitioner nos. 2 and 3 being ladies 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.
6. Within 21 days from today, petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
 7. Accordingly, the prayer for anticipatory bail is allowed.
 8. The application being **CRM (A) 4201 of 2023** is disposed of.
 9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

