

22.11.2023
SL. 20
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4360 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tehatta** Police Station Case No. **733 of 2023** dated **13.09.2023** under Sections **498(A)/302/201/34** of the IPC and Sections **3/4** of the D.P. Act.

And

In the matter of: **Rabin Ghosh & Ors.**

....petitioners.

Ms. Minoti Gomes
Mr. Asfar Mandal

...for the petitioners.

Mr. Debasish Roy
Mr. Aniket Mitra
Ms. Jonaki Saha

...for the State.

1. Heard learned Advocate for both the parties.
2. The petitioner No. 1 is the husband of the deceased while petitioner Nos. 2 and 3 are her mother-in-law and brother-in-law respectively. Though a case under Section 498A/302/201/34 IPC read with Sections 3 and 4 of the D.P. Act has been started as against the present petitioners but from the postmortem report of the deceased it reveals that the cause of death is due to the effect of anti mortem hanging.
3. We have perused the statement of the son and daughter of the deceased who are both major and the daughter is also married. Both the son and the married daughter of the deceased in their respective statements under Section 164 Cr.P.C. categorically stated that their mother was never tortured at her matrimonial home at any point of time during her 35 years of matrimonial life.
4. Regard being had to such facts and submissions, 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 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 including the conditions that:

- i) The petitioner Nos. 1 and 2 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 F.F.
- ii) The petitioner No. 2 is 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.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 4360 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

