

05.12.2023  
SL. 16+17  
Court No. 29  
Suvayan  
(Allowed)

**C.R.M. (A) 4472 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raiganj** P.S. Case No. **716** dated **02.06.2022** under Sections **498A/304B/302/34** IPC and charge-sheet No. **981** dated **30.08.2022** under Sections **498A/304B/306/34** of the IPC read with Sections **3/ 4** of the D.P. Act corresponding to G.R. Case No. **1481 of 2022** pending before the learned CJM, Uttar Dinajpur, Raiganj.

And

In the matter of: **Bijay Sarkar**

....petitioner.

**With**

**C.R.M. (A) 4485 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raiganj** P.S. Case No. **711** dated **02.06.2022** under Sections **498A/304B/302/34** IPC and charge-sheet No. **980** dated **02.06.2022** under Section **498A** of the IPC read with Sections **3/ 4** of the D.P. Act and supplementary charge-sheet No. **1090** dated **10.09.2022** under Sections **304B/109/302** corresponding to G.R. Case No. **1480 of 2022** pending before the learned CJM, Uttar Dinajpur, Raiganj.

And

In the matter of: **Bijay Sarkar @ Bijoy Sarkar**

....petitioner.

Mr. Navanil De  
Mr. Rajeshwar Chakraborty  
Mr. Srinjan Ghosh  
Mr. Subhrajit Dey  
Ms. Monami Mukherjee

...for the petitioner in  
CRM (A) 4472 of 2023 and  
CRM (A) 4485 of 2023.

Mr. Imran Ali  
Ms. Debjani Sahu

...for the State in CRM (A) 4472 of 2023.

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

...for the State in CRM (A) 4485 of 2023.

1. Heard learned Counsel for both the parties.
2. As both these anticipatory applications, though arise out of

different transactions relating to death of two co-sisters-in-law, are based on same facts and transactions. Therefore, both the anticipatory bail application are taken up for disposal by this common order. In CRM (A) 4472 of 2023 death of Sujata Karmakar @ Sarkar is the subject matter and in CRM (A) 4485 of 2023 death of Barnali Roy is the subject matter. From the materials collected in the C.D. of both the cases it is found that Sujata Karmakar @ Sarkar was suffering from depression and in such a state of mind she committed murder of Barnali and thereafter she (Sujata) herself committed suicide.

3. From the materials on record a question arise as to why Sujata was driven to depression. There are materials on record to show that she was being subjected to torture and harassment by the family members for additional demand of dowry but those materials being at the fringe, may not be sufficient to conclude *prima facie* that the cause of depression of Sujata was the action of the petitioner and his family members. The husbands of both Sujata and Barnali are on regular bail. The present petitioner is the brother-in-law of both Barnali and Sujata.
4. We do not find any specific overt act against him so far as death/murder of Barnali and suicide of Sujata are concerned.
5. Charge-sheet in both the cases have already been filed.
6. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief

Judicial Magistrate, Uttar Dinajpur, Raiganj within 15 days from today in the G.R. case No. 1481 of 2022 and the G.R. case No. 1480 of 2022 arising out of respective P.S. cases.

7. On his appearance and application for bail the petitioner shall be released on bail in both the 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 shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
8. The learned CJM, Uttar Dinajpur, Raiganj is directed to act upon the server copy of this order, if required.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The applications being **CRM (A) 4472 of 2023** and **CRM (A) 4485 of 2023** are disposed of.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

