

22.11.2023
SL. 53
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4474 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Manikchak** Police Station Case No. **576 of 2023** dated **26.07.2023** under Sections **498A/302/34** of the IPC corresponding to G.R. Case No. **4984 of 2023**.

And

In the matter of: **Nasimul Momin & Ors.**

....petitioners.

Md. Wasim Akram

...for the petitioners.

Mr. Tanmay Kr. Ghosh

Mr. Arindam Sen

...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 the parents-in-law of the said deceased. Though in the written complaint there is allegation of assault by the petitioners on 22.07.2023 on account of demand of further dowry, however, the victim was taken to hospital on 25.07.2023. From the postmortem report of the deceased it reveals that the death was due to the effect of poison and in the statements child and sister of the deceased though there is allegation against the petitioners with regard to the assault but there is no whisper with regard to the taking of poison or ingestion of poison at the behest of the petitioners.
3. 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. 3 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.
4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
 5. 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.
 6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. The application being **CRM (A) 4474 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

