

19.12.2023
(M/L 92)
Ct. No.29
(Partly Allowed)
(SKB)

CRM (A) 4787 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.1044 of 2023 dated 29.09.2023 under Sections 498A/304(B)/302/34 of the Indian Penal Code (G.R. No.3189 of 2023).

In the matter of : Subhan Ali and others

... Petitioners

Ms. Sabnam Laskar

... for the petitioners

Mr. Aniket Mitra

... for the State

1. Heard learned counsel for the parties.
2. Suicidal death of the deceased is an admitted fact.
3. There is statement of the neighbours of the petitioners to the effect that the husband of the deceased, namely, Subhan Ali (petitioner no.1) and his family members were continuously harassing and torturing the deceased for fulfilment of dowry of rupees two lakhs.
4. So far as the petitioner no.2 (mother-in-law of the deceased), petitioner no.3 (father-in-law of the deceased) and petitioner no.4 (brother-in-law of the deceased) are concerned, such allegation is omnibus in nature.
5. In view of such position, we are not inclined to exercise our discretion in favour of the petitioner no.1, Subhan Ali under Section 438 Cr.P.C. and his prayer for anticipatory bail is rejected.
6. So far as petitioner no.2 (Sultana Khatun), petitioner no.3 (Nurul Ali @ Nurul Islam) and petitioner no.4 (Achha Ali @ Sahajan Ali) are concerned, regard being had to 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 the petitioners shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. No.3189 of 2023 arising out of 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:

- i) The petitioner no.2 being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
- ii) The petitioner nos.3 and 4 are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.

7. Accordingly, the prayer for the anticipatory bail is partly allowed.

8. Within 21 days from today petitioner nos.2, 3 and 4 are directed to appear before the I.O. along with a server copy or certified copy of this order.

9. The application being CRM(A) 4787 of 2023 is disposed of.

10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)