

01.02.2024
DL-29
Court No.29
(AD)
(Allowed)

C.R.M. (A) 290 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **194 of 2023** dated **04.05.2023** under Sections **498A/302/304B/34** of the Indian Penal Code, 1860, and charge sheet submitted being Charge Sheet No.354 of 2023 dated 31.07.2023 under Sections **498A/304B/34** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act. (G.R. Case No.448 of 2023).

And

In the matter of: **Naushad Miya @ Nousad Mia & Ors.**

....petitioners.

Mr. Kaushik Choudhury
Ms. Busra Khatun
Mr. Abhijit Kabir

...for the petitioners.

Mr. Antarikhya Basu

...for the State.

Police filed charge sheet.

Husband was arrested and granted bail by the jurisdictional Court.

Petitioners before us are the in-laws.

Learned Advocate appearing for the State submits that, the materials in the case diary implicate all the petitioners in torture. The unnatural death occurred within eight months of marriage.

The police case is dated May 4, 2023 with the police filing charge sheet on July 31, 2023. Apart from conducting raids which appears from the materials in the case diary, no other steps were taken by the police to arrest them.

Court is informed that the warrant of arrest was issued as against the petitioners. A period in excess of six months elapsed from the date when the charge sheet was submitted before the jurisdictional Court.

No reason is put forward as to why steps provided in the

Criminal Procedure Code to secure the attendance of an accused in a criminal proceedings were not taken by the police.

Be that as it may, considering the fact that the police submitted charge sheet, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 290 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)