

22.4.2024
SL No. 363
Ct No. 29
Srimanta /SB

C.R.M. (A) 1334 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **N.T.S.** P.S. Case No. 179 of 2023 dated 04.11.2023 under Sections 498A/ 406/323/306/34 of the Indian Penal Code.

And

In the matter of: Baban Goswami & Anr.

....Petitioners

Mr. Debanshu Ghorai

...for the Petitioners

Mr. Madhusudan Sur

Mr. Arup Sarkar

...for the State

1. This is the second police complaint *inter alia* under Section 498A of the Indian Penal Code, 1860 as against the petitioners. The earlier one is dated July 23, 2018.
2. Post-Mortem report suggests that death was due to the effects of anti-mortem poisoning . No external injuries were detected from the body of the victim. Death apparently occurred at the paternal home of the victim.
3. Considering such facts and the materials in the case diary and the fact that, death occurred on October 4, 2023 with the present police case being registered on November 4, 2023, we grant anticipatory bail to the petitioners.
4. Accordingly we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The

petitioner no. 1 shall appear before the Investigating Officer once in a week till the conclusion of the investigation. The petitioner no. 2 will co-operate with the investigation. 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.

5. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)