

01.05.2024
Item No.1
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1508 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kharagpur (Town)** Police Station Case No. **421/2023** dated **03.09.2023** under Sections **498A/304B/302/323/506/34** of the Indian Penal Code, 1860 read with Sections **3/ 4** of the Dowry Prohibition Act thereafter charge sheeted being charge sheet No. 686/2023 dated 30.11.2023 under Sections 498A/304B/323/506/34 of Indian Penal Code, 1860 read with Sections **3/ 4** of the Dowry Prohibition Act.

And

In the matter of : Musim Bewa @ Musim Bibi & ors.

..... petitioners

Mr. Sekhar Kumar Basu, Ld. Senior Advocate
Mr. Abir Ranjan Neogi,
Ms. Shyanti Poddar
....for the petitioners

Mrs. Anasuya Sinha,
Mr. S. S. Imam
....for the State

Mr. Debabrata Acharyya,
Sk. Samsul Arefin,
Mr. Avijit Mukherjee,
Mr. Sital Samanta
....for the de facto complainant

Four petitioners are before us seeking anticipatory bail.

Learned Senior Advocate appearing for the petitioners submits that, police filed charge-sheet and therefore, custodial interrogation of the petitioners are not required. He submits that, husband is in custody. He points out that, petitioner no.4 is the maternal uncle-in-law of the deceased and reside at a different place than the matrimonial home. The victim

committed suicide and therefore, petitioners should be granted anticipatory bail.

Learned advocate appearing for the State draws the attention of the Court to the inquest report, Post Mortem Report and statements of one relative and a neighbour recorded under Section 161 of the Criminal Procedure Code. She also draws the attention of the Court to a statement of a minor recorded under Section 164 of the Criminal Procedure Code.

Learned advocate for the de facto complainant draws the attention of the Court to the order of rejection of the prayer for bail of the husband passed on March 7, 2024 in CRM(DB) 735 of 2024 by the co-ordinate Bench.

We perused the materials in the Case Diary including the inquest report, Post Mortem Report and two statements recorded under Section 161 of the Criminal Procedure Code and one statement under Section 164 of the Criminal Procedure Code. Co-ordinate Bench while considering the prayer for bail of the husband observed that, Post Mortem Report shows presence of multiple injuries apart from ligature mark, co-ordinate Bench was of the view that same corroborates the prosecution allegation of homicidal death.

Petitioner no.4 is placed in the place of occurrence by the minor who recorded statement under Section 164 of the Criminal Procedure Code.

His role requires investigation.

The other three petitioners are mother-in-law of the victim, brothers-in-law and sister-in-law of the victim. All of them are residence of the same matrimonial home at which, the victim was found dead.

As held by the co-ordinate Bench, the death is homicidal.

There are statements of both neighbours and the relatives of the husband stating that, the victim was subjected to both physical and mental torture by all the petitioners before us on the demand for dowry.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1508 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)