

09.05.2024
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Ct. No. 29
S.D.
P.Allowed

C.R.M.(A) 1528 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Thanarpara** Police Station Case No. **54** of **2024** dated **05.03.2024** under Sections **498A/302/34** of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re : **Abdul Faruq Sk @ Faruq Abdulla Sk**
@ Faruk Abdulla Sk & Anr.

..... petitioners

Mr. Soumojit Das Mahapatra

Mr. Abdul Aziz Mondal

...for the petitioners

Mr. Iqbal Kabir

Mr. Saptarshi Chakraborty

...for the State

Mr. Dwijadas Chakraborty

...for the defacto complainant

Affidavit of service filed in Court be taken on record.

State also intimated the defacto complainant. The document to such effect be also taken on record.

Defacto complainant is represented.

Apparently, the victim committed suicide.

The post mortem report of the victim states that there was no external injury.

Statements of the neighbours implicate the petitioners before us in meting out physical and mental torture upon the victim prior to her death. On the fateful date, the neighbours claimed that the victim was earlier tortured by the petitioner no. 2 and other family members and thereafter the victim died.

Assault on the victim prior to her death is not borne out by the post mortem report of the victim.

Materials in the case diary suggest that the petitioner no. 1 was not present at the matrimonial home where the incident occurred at the material point of time.

In such circumstances, we grant anticipatory bail to the petitioner no.1. So far as the petitioner no. 2 is concerned, materials in the case diary suggest that she was involved in meting our physical and mental torture upon the victim and that she was involved in doing so prior to the victim committing the suicide.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 2 and the prayer for anticipatory bail is rejected.

Accordingly, **C.R.M. (A) 1528 of 2024** is dismissed so far as the petitioner no. 2 is concerned.

Accordingly, we direct that in the event of arrest, the petitioner no. 1, **Abdul Faruq Sk @ Faruq Abdulla Sk @ Faruk Abdulla Sk & Anr.** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 will report before the Investigating Officer once a week till the conclusion of the investigation. The petitioner no. 1 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 petitioner no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)