

20.06.2024
SL No.21
Court No.29
(gc)
(Allowed)

CRM (A) 1925 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Murshidabad Police Station Case No.234 of 2024 dated 02.04.2024 under Sections 498A/328/406/302/304B/120B/34 of the Indian Penal Code.

And

In the matter of : **Amit Halder & Anr.**

- Petitioners.

Ms. Minoti Gomes,
Mr. Somnath Adhikary

....For the Petitioners.

Mr. Jishan Iqbal Hossain

....For the De facto Complainant.

Mr. Rana Mukherjee, Ld. A.P.P.,
Mr. Suman Saha,
Mr. Soumadip Saha

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated by the de facto complainant who happens to be the father of the victim.
2. The learned Counsel for the de facto complainant submits that his daughter was physically and mentally tortured at her matrimonial home and due to administration of poison the miscarriage took place and she ultimately died.
3. The learned A.P.P. appearing on behalf of the State has referred to the statement of the neighbours recorded under Section 161 of the Cr.P.C. and also one of the neighbours recorded under

Section 164 of the Cr.P.C. and submits that the said statements would not show that Amit Halder was responsible for death. However, prayer for custodial interrogation was made for the purpose of effective investigation.

4. Considering the materials available in the case diary, the post-mortem report which shows that the death was due to rupture of left fallopian tube of uterus in a pregnant woman with severe haemorrhage due to ectopic pregnancy and the said statement of the neighbours recorded under Sections 161 and 164 of the Cr.P.C. which does not implicate the petitioners for the death of the wife, we are of the view that the custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Amit Halder** and **Somnath Halder**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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. It is further directed that the present accused petitioners shall meet the Investigating Officer once in a week and shall not leave the jurisdiction of the learned ACJM, Murshidabad till the submission of the final report and shall appear before the learned ACJM, Murshidabad in connection with G.R. Case No.1273 of 2024 and pray for regular bail within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)