

03.07.2024
SL No.22
Court No.29
(gc)
(Allowed)

CRM (A) 2073 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Harirampur Police Station Case No.220 of 2023 dated 17.11.2023 under Sections 498A/306/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act,1961.

And

In the matter of : **Amiraddin Miah @ Amijuddin Sarkar & Ors.**

- Petitioners.

Mr. Sayan De,
Mr. Sayan Kanjilal,
Mr. Kaustav Shome

....For the Petitioners.

Mr. Sudip Kumar,
Ms. Sana Naaz

... For the State.

1. The petitioner No.1 is the brother-in-law, petitioner no.2 is the mother-in-law, petitioner no.3 is the sister-in-law and the petitioner no.4 is the husband of the sister-in-law of the victim lady.
2. The learned Counsel for the petitioners submits that the petitioners have been falsely implicated. It is submitted that the victim lady was suffering from chronic depression.
3. The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the statement of the neighbours would show that the petitioners used to instigate the husband of the victim lady for dowry and as a result whereof, the husband of the victim lady used to torture her.

4. Considering the materials available in the case diary and having regard to the fact that the cause of death appears to be septic shock following injuries as apparently she was hit by a moving vehicle, 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, **Amiraddin Miah @ Amijuddin Sarkar, Amena Beya @ Amena Bewa, Maimuna Bibi @ Maimuna Khatun** and **Minarul Islam @ Minarula Islam**, 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 petitioner nos.1 and 4 shall meet the Investigating Officer once in a week till the submission of the final report and the petitioner nos.2 and 3 shall cooperate with the investigation and the petitioners shall not leave the jurisdiction of the Harirampur Police Station without the leave of the Investigating Officer. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Gangarampur in connection with G.R. Case No.1211 of 2023 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.)