

12.08.2024
SL No.1
Court No.29
(gc)
(Allowed)

CRM (A) 2174 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Ghatal Police Station Case No.221 of 2024 dated 16.06.2024 under Sections 306/506/34 of the Indian Penal Code.

And

In the matter of : **Aytul Nasa & Ors.**

- Petitioners.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal,
Ms. Labani Sikder

....For the Petitioners.

Ms. Anasuya Sinha, Ld. A.P.P.,
Ms. Payel Ghosh

... For the State.

1. The petitioner no.1 is the wife of the deceased and the petitioner nos. 2 to 5 are the relations of the petitioner no.1. The learned Counsel for the petitioners submits that the petitioners are no way involved with the commission of the alleged offence and they are innocent. The husband of the petitioner no.1 died at his own house by consumption of poison.
2. The learned Counsel for the State has produced the case diary, the statement of one of the co-accused and the postmortem report.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioners in the commission of the alleged offence, furthermore, that the petitioner no.1 has sent Talaknama prior to the commission of the said offence and having regard to the postmortem report, which does not *prima*

facie show any mischief on the part of the petitioners, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Aytul Nasa, Sk. Mahammad Amanat Tulla, Mahammad Asma Khatun, Saiyad Nakibul Islam @ Saiyad Rila @ Saiyad Nasibul Islam** and **Reshma Khatun**, 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 with further direction that the petitioner nos.1, 3 and 5 shall cooperate with the investigation and petitioner nos.2 and 4 shall meet the Investigating Officer once in a week till the submission of the final report.
5. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Ghatal in connection with G.R. Case No.603 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. The personal appearance of the I.O. is dispensed with.
8. 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.)