

12.08.2024

Court No.29

Item No. 61

Rejected

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CRM (A) 2774 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNNS Act, 2023 in connection with Kolaghat Police Station Case No. 534 of 2024 dated 24.06.2024 corresponding to G.R Case No. 2165 of 2024 under Sections 498A/304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: **Sk. Mustak @ Sk. Mustak Ahammad & Ors.**
Petitioners

Mr. Sourav Chatterjee

Ms. Ritoprita Ghosh

For the Petitioners

Mr. Soumik Ganguli

Ms. Debadrita Mondal

For the State

1. Learned counsel for the petitioners submits that the petitioner no. 1 is the husband of the petitioner no. 2 and the father of the petitioner nos. 3,4 and 5. The son was married to the daughter of the de-facto complainant. After the marriage, the son of the petitioner nos. 1 and 2 went to reside in Tamil Nadu for his work and the daughter of the de-facto complainant mostly used to go and live with her husband. The daughter of the de-facto complainant while in her matrimonial house developed an extra marital affair with one co-villager for which she used to leave her matrimonial house on and off on several occasions and for that reason she was stopped by the petitioners and she used to quarrel and misbehave with her husband and other petitioners on several occasions. It is further stated that the dispute resulted her death was cropped up due to her aforesaid behavior and the matter of dispute is purely matrimonial in nature between the husband and wife. It is submitted that the petitioners are innocent and they have been falsely implicated for the alleged offence.

2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the de-facto complainant, the brother of the victim and neighbours and submits that all of them unanimously stated that all the petitioners have used to torture the daughter of the de-facto complainant physically and mentally.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, as transpired from the statement of the de-facto complainant and other relatives including the neighbours directly implicating the petitioners for physical and mental torture of the victim and the victim died within six years of marriage and there are incriminating materials disclosing, prima facie, the alleged offence, we are not inclined to grant anticipatory bail to the petitioners.
4. Accordingly, the prayer for anticipatory bail of the petitioners is rejected and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)