

19.08.2024
SL No.46
Court No.29
(gc)
(Allowed)

CRM (A) 2857 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Khanakul Police Station Case No.142 of 2024 dated 29.03.2024 under Sections 498A and 304B of the Indian Penal Code.

And

In the matter of : **Mr. Fanibhusan Dolui**

- Petitioner.

Mr. Suvadip Bhattacharjee

....For the Petitioner.

Mr. Sudip Kumar,

Mr. Amanul Islam

... For the State.

1. The petitioner is the husband of the deceased. It is submitted that the petitioner has to travel in connection with his work and he was not present when the alleged incident occurred. He is innocent.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the victim died within five months of marriage and there are incriminating materials against the petitioner as well as the family members of the petitioner.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the statement of the neighbours recorded under Section 161 Cr.P.C. and the complainant wherefrom it appears that at the time of the offence, the petitioner was not present and the allegations were mostly directed against the mother-in-law and the elder

brother-in-law and also having regard to the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mr. Fanibhusan Dolui**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 corresponding to Section 482(2) of the BNSS, 2023.
5. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly in connection with G.R. Case No.534 of 2024 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.)