

24.01.2024

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Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 4520 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haroa** Police Station Case No. **211 of 2023** dated **27.05.2023** under Section **498A/325/307/406/506/34** of the Indian Penal Code and under Section 4 of Dowry Prohibition Act.

And

In Re : Nasiruddin Molla & Ors.

..... petitioner

Mr. Milan Nandi

Mr. Subhas Chandra Saha

Mr. Mayukh Nandi

...for the petitioner

Md. Rafikul Islam

Mr. S.S. Saha

...for the State

Learned advocate appearing for the petitioners submits that, the petitioner nos. 2 and 5 expired and, therefore, the application may be treated as not pressed so far as they are concerned.

Learned advocate appearing for the petitioners produced Death Certificate for the petitioner nos. 2 and 5.

In such circumstances, C.R.M. (A) 4520 of 2023 is dismissed as infructuous in respect of the petitioner nos. 2 and 5.

Learned advocate appearing for the other surviving petitioners, i.e. petitioner nos. 1, 3 and 4 submits that the said petitioners were falsely implicated. The police complaint was lodged after 17 years of marriage and with the delay of 79 days.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The defacto-complainant received injuries in an incident of assault. The defacto-complainant stated in her statement recorded under Section 161 of the Cr.P.C. that there were constant demand for dowry and torture meted out by the said petitioners over a period of time. She stated that due to the incident of assault, she suffered such injuries, which required hospitalization and ultimately operation on her head.

The statement of the defacto-complainant as to torture and demand for dowry stands corroborated by the neighbours recorded under Section 161 of the Cr.P.C. The incident of assault suffered by the defacto-complainant also stands corroborated by the statement of the neighbours.

Considering the gravity of the offence and the injuries suffered by the defacto-complainant and her statement being corroborated by the neighbours and the complicity of the surviving petitioners as transpiring from the materials in the case diary, we are unable to grant anticipatory bail to the surviving petitioners and the prayer for anticipatory bail in

respect of the surviving petitioners, i.e. petitioner nos. 1, 3 and 4 is rejected.

The application being **CRM (A) 4520 of 2023** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)