

08.01.2024

Serial no. 57
Anticipatory bail
[Rejected]
Dd

CRM (A) 4623 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Gopalnagar** Police Station Case No. **592** of **2023** dated **19.09.2023** under Sections **498A/306** of the Indian Penal Code, 1860 and under Sections **3/4** of the Dowry Prohibition Act.*

(G.R. Case No. 3207 / 2023)

-And-

In the matter of : **Pradip Shil & Ors.**

... ..**Petitioners**

Mr. Arnab Chatterjee, Advocate

... .. For the Petitioners

Mr. Partha Pratim Das,

Ms. Manasi Roy, Advocates

... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

We find that the minor daughter of the victim initially recorded a statement under Section 161 of the Criminal Procedure Code where, she stated that, her mother and father were quarreling and that, her father shouted at her mother. Therefore, her mother committed suicide.

A month thereafter, the same minor recorded a statement under Section 164 of the Criminal Procedure Code where, she

stated that her mother was in an illicit relationship with an uncle and due to such affair her mother expired.

There are statements of the neighbours recorded under Section 161 of the Criminal Procedure Code implicating the petitioners before us in torture being meted out to the victim. More so, this is the second incident of the wife in the family expiring by committing suicide.

Complicity of the petitioners in the incident particularly in view of the diametrically opposite stand taken by the minor of the victim should be investigated. The minor is in the custody of the petitioners before us.

Enlarging the petitioners on anticipatory bail will be inimical to the investigation.

In such circumstances, we are unable to confirm the interim anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 4623 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)