

04.11.2024
Ct. No. 28
SL No. 50
SB/AP

CRM (A) 3713 of 2024

In Re: - An application for bail under Section 438 of the Cr.P.C. corresponding to Section 482 of the B.N.S.S. 2023 in connection with **Deganga** P.S. Case No. **216 of 2024** dated 12.4.2024 under Sections 498A/302/34 of the I.P.C.

And

In the matter of: Saifuddin Mandal @ Md. Saifuddin Mondal

Mr. Debrup Bhattacharjee
Mr. Tirthankar Dey

... for the petitioner.

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali

...for the State.

Mr. Surajit Basu
Ms. Jasika Alam

...for the de facto complainant.

1. The petitioner contends the victim housewife had committed suicide as the de facto complainant refused to take her daughter back from the matrimonial home. Co-accused has been granted anticipatory bail. He prays for similar relief.

2. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He contends the petitioner and others had subjected the deceased to torture. A separate criminal case was registered. She was also denied monetary support. An amicable settlement was arrived at and the victim was kept at the matrimonial home where she was murdered. Petitioner had absconded and warrant, proclamation & attachment has been issued.

3. Learned counsel for the de facto complainant also opposes the prayer for anticipatory bail.

4. We have considered the materials on record. Witnesses stated that the deceased was tortured earlier. But pursuant to an amicable settlement she was brought back to the matrimonial home thereupon

on the next day she suffered unnatural death. On the contrary, petitioner states victim committed suicide as her parents compelled her to stay at the matrimonial home.

5. Post mortem shows a non-continuous ligature mark which is indicative of suicidal hanging which improbabilises the prosecution case of murder. Incident occurred after seven years of marriage and statutory presumptions would not come to the aid the prosecution. Whether the suicidal hanging was due to ill treatment by the petitioner or other in-laws or was due to frustration as her relations refused to take her back requires to be adjudicated during trial.

6. Given this situation, we are of the opinion that custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

7. It is contended that warrant of arrest and proclamation have been issued, we have perused the materials on record statutory requirements for issuance of process had not been adhered to and under such circumstances it cannot be said that the petitioner had absconded so as to entitle him to the relief sought for.

8. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

9. Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the condition as laid down under Section 482 (2) of the B.N.S.S. Petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date.

10. The application for anticipatory bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)