

05.11.2024
Sl. No.10
akd
[ALLOWED]

C. R. M. (A) 3726 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 03.10.2024 in connection with Kulti Police Station Case No.271 of 2024 dated 15.06.2024 under Sections 498A/304B/120B of the Indian Penal Code. (G.R. Case No.1664 of 2024)

And

In Re: ***Monu Tiwari***

... .. Petitioner

Mr. Debapriya Samanta
Mr. Rajdeep Sarkar

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Ms. Eshita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is a migrant labourer and was working in Gujarat. Victim committed suicide at the matrimonial home. Co-accused i.e. in-laws of the victim have been granted pre-arrest bail. Accordingly, he prays for similar relief.

2. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.

3. We have considered the materials on record including the statement of the mother of the deceased. She stated matrimonial aunt of the petitioner viz. Anita Tiwari had assaulted the victim and thrown her out of the matrimonial home. Thereafter the petitioner had telephoned the victim and asked her to return to the matrimonial home taking the plea that his maternal aunt is unwell. Subsequently the victim suffered unnatural death. These materials show petitioner was not present at the place of occurrence. No call records have been seized during investigation to corroborate the telephonic communication between the petitioner and his wife prior to the incident. Keeping in mind

these facts, we are of the opinion though custodial interrogation of the petitioner is not necessary but he requires to cooperate with the investigation.

4. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Monu Tiwari***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall meet the Investigating Officer once in a month until further orders and he shall appear before the court below and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)