

09.01.2024
Item No.178ML
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4813 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amta** Police Station Case No. **148** of **2023** dated **25.06.2023** under Sections **498A/325/109/506/34** of the Indian Penal Code and adding Sections **304B/306** of the Indian Penal Code.

And

In the matter of : Sarbojit Ghosh & anr.

..... petitioners

Mr. Suman Dey,
Mr. Asit Nayek

....for the petitioners

Mr. Debashis Roy, Ld. P.P.
Mr. Aniket Mitra,
Ms. Jonaki Saha

....for the State

Mr. Santanu Maji,
Mr. S. Das

....for the de facto complainant

Petition is taken up for consideration subsequent to the order dated October 17, 2023.

By such order, coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Petitioners, State and the de facto complainant are represented.

We perused the statement of the victim which is said to be a dying declaration.

Apparently, the victim committed suicide.

Husband of the victim was arrested and granted bail by the jurisdictional Court.

Police filed charge-sheet.

In view of the contents of the statement left behind by the victim and in view of the fact that police filed charge-sheet and that the husband was granted bail by the jurisdictional Court, we confirm the interim order dated October 17, 2023.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4813 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)