

11.01.2024

Serial no. 24

Anticipatory Bail

[Allowed]

Dd

CRM (A) 4837 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **319** of **2023** dated **04.09.2023** under Sections **498A/302/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 6070 /2023)

-And-

In the matter of : **Tohid Ali & Ors.**

... .. Petitioners

Mr. Parvej Anam , Advocate

... .. For the Petitioners

Mr. Debashis Roy, PP

Mr. Aniket Mitra,

Ms. Jonaki Saha, Advocates

... ...For the State

We perused the materials in the case diary. The police complaint was lodged 11 years after marriage. The postmortem report suggests that the victim committed suicide.

Police are investigating, *inter alia*, under Section 302 of the Indian Penal Code, 1860.

There are statements recorded by neighbours suggesting that the victim was subjected to torture.

The allegations, however, are omnibus and general in nature.

In view of the nature of allegations and in view of the period of marriage and in view of the contents of the postmortem report of the victim, we grant anticipatory bail to the petitioners.

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 further condition that the petitioners shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

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

CRM (A) 4837 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)