

05.11.2024
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Allowed

C.R.M. (A) No. 3798 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with English Bazar Police Station Case No. 284 of 2024 dated 26.02.2024 under Sections 498A/304/34 of the Indian Penal Code.

And
In Re : Dinesh Chowdhury & Anr. petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioners

Mr. Atif Ahmed Siddiqui
....for the State

1. Learned Counsel for the petitioners submits they are the parents-in-law of the victim lady. It is also submitted they had not played any role in her matrimonial life. They made arrangements for treatment of the victim who survived for a month. No complaint was lodged alleging cruelty and torture during the lifetime of the victim. They have been falsely implicated. They pray for anticipatory bail.

2. Learned Counsel for the State submits petitioner no. 1 had forcibly taken out the victim from the hospital by executing a risk bond. Two days later she died.

3. We have considered the materials on record. It is alleged that the petitioner and her husband had set the victim

on fire. Victim was admitted at Malda hospital for twelve days. Thereafter she was referred to NRS hospital where she was treated for another nineteen days. Petitioner no. 1 was present during the treatment.

4. It is further alleged in the FIR though petitioner no. 1 assured to bear the medical expenses and subsequently he refused to do so and drove away the parents of the victim. However, no contemporaneous complaint alleging cruel conduct was lodged by the parents.

5. It is also relevant to note during her treatment at both the hospitals no statement of the victim had not been recorded. No complaint had also been lodged by her parents. Whether her death at the residence was due to natural prognosis of bodily burns or accelerated by the decision of petitioner no. 1 to release her on risk bond may be assessed at the appropriate stage of the proceeding.

6. In this background we are of the opinion custodial interrogation for progress of investigation is not necessary and petitioners may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall

appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)