

09.01.2024

Item No.216(D.L.)

Ct.No.29

dc.

Allowed

C.R.M. (A) 5761 of 2023

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Amta Police Station Case No. 264 of 2023 dated 03.12.2023 under Sections 498A/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : **Salauddin Khan & Anr.**

... Petitioners.

Mr. Tanmoy Chowdhury,
Ms. Ritoprita Ghosh

... For the Petitioners.

Mr. Asif Dewan

... For the State.

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the husband of the victim surrendered today before the jurisdictional court. The petitioners before the Court are parents-in-law. He submits that the police complaint was lodged 16 years after marriage.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report and the statement of a neighbour recorded under Section 161 of the Cr.P.C.

We perused the materials in the case diary.

Post mortem report of the victim suggests that victim died by poisoning.

We also found an injury report of the victim which notes the victim was brought to the hospital on November 30 2023 and that she was examined at 4.55 p.m.. Such report also states that the victim stated before the doctor that she consumed rat killer poison. No external injury was noted in the injury report.

The statement of the neighbour states that, the victim was subjected to mental torture over a period of time.

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

Given the materials in the case diary and the complicity of the petitioners therein and the injury report and the post mortem report of the victim, we deem it fit and appropriate to enlarge the 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.1 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.2 will cooperate with the investigation till the conclusion of the investigation 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.

The application for anticipatory bail is, thus, allowed.

CRM(A) 5761 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)