

13.11.2024
Item no. 31.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 824 of 2024

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitalkuchi Police Station Case No.256 of 2024 Dated 4.6.2024 under Sections 498A/304B of the Indian Penal Code

And

In the matter of : Jiarul Miah & Ors. Petitioners.

Mr. H. S. Poddar,
Ms. Mousumi Das for the Petitioners.

Mr. Biswarup Roy for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner nos.1 and 4 are brothers-in-law and the petitioner nos.2 and 3 are parents-in-law of the victim lady. The lady killed herself by hanging. The allegation is that due to torture meted out to her by the husband and his family members, the victim lady killed herself.
2. The petitioners say that they have no role to play in the alleged incident. The husband of the victim lady is in custody. He is solely responsible. They are prepared to cooperate with the Police Authorities. They pray for anticipatory bail.

3. Opposing the prayer, learned State Counsel draws our attention to the material in the case diary. We have seen the post mortem report. We have also seen the statement of the victim's mother recorded under Section 164 Cr.P.C. The allegations are general in nature. She, in her statement, stated that the four and half year old daughter of the victim saw the incident of the victim being beaten up, which drove the victim to kill herself. However, we do not find the statement of the victim's daughter in the case diary.
4. On an overall consideration of the facts and circumstances of the case and keeping in mind that charge sheet has already been submitted and also that the petitioner nos.1 and 4 reside separately from where the victim used to reside, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate in further investigation, if any.
5. Accordingly, in the event of arrest, the petitioners, namely **Jiarul Miah, Chhabir Hossain, Asra Bibi, Mehedi Hossain Miah @ Hasan Mia** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section

438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner nos.1, 2 and 4 shall report to the Officer in charge of the concerned Police Station once in a fortnight until further orders and the petitioner no.3 shall cooperate with the investigation. They shall not leave the jurisdiction of the learned Trial Court until further orders.

6. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
7. The application for anticipatory bail is allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)