

04.09.2020.

47.

as

(Allowed).

C.R.M. 6259 of 2020
With
C.R.A.N.1 of 2020
(Old. No.C.R.A.N.4770 of 2020)
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chakdah P. S. Case No.309 of 2019 dated 18.06.2019 under Sections 498A/304/420/120(B)/201/506/34 with added Section 304(B) of the Indian Penal Code.

In the matter of : Kalyani Das & Ors.

... Petitioners.

Mr. Shibaji Kr. Das.

...for the Petitioners.

Mr. Rana Mukherjee,
Ms. Sujata Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application, being CRAN 1 of 2020 (Old No. C.R.A.N.4770 of 2020), is disposed of.

It is submitted on behalf of the petitioners that the victim housewife died due to natural causes during child birth. There is inordinate delay in lodging the first information report.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the enquiry report of the Medical Board relating to the cause of death. We note from the enquiry report that there is no external or internal injury on the victim due to physical violence. The victim had been referred to Kalyani Hospital and the petitioners in order to provide better treatment to her was proceeding to R. N. Tagore Hospital, Kolkata. On the way, she expired. The allegations of torture and ill treatment are to be assessed in the light of the materials on record.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners, viz., Kalyan Das, Achin Das, Dipali Das and Shyamal Biswas 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)

