

10.09.2020
SL No.5
Ar/pk

CRM 6325 of 2020
With
CRAN/1/2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwanpur Police Station Case No. 192 of 2020 dated 09.08.2020 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: **Manik Maity and others**

....Petitioners.

Mr. Arun Kr. Das

...for the Petitioners.

Mr. Madhusudan Sur,
Mr. Aniket Mitra

...for the State.

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 conferencing.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

The learned advocate for the petitioners submits that the instant case was initiated on the basis of an application under Section 156(3) of the Code of Criminal Procedure, pursuant to which FIR was registered under Section 302 of the Indian Penal Code. Learned advocate submits that there was a delay about 33 days and the fact of the case would reflect that the date has referred to by the complainant is 10th of June, 2020. To that effect the learned advocate for the

petitioners draws our attention to the medical documents which reflects that on 10th June, 2020 the deceased gave birth to a boy child and thereafter her condition deteriorated and she expired on 11.06.2020. Learned advocate for the petitioners, therefore, prays no need for custodial detention of the petitioners.

Mr. Sur along with Mr. Mitra, learned advocates appearing for the State produces the case diary and answers to the queries of the Court regarding the medical documents as also the statement of the witnesses.

We have perused the medical documents in the case diary and on appreciating the documents of the facts and that marriage was solemnised almost 5 years before the unfortunate incident occurred, we are of the opinion that custodial detention of the petitioners may not be warranted in the factual background of the case.

Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that the petitioners shall be released on anticipatory 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 on condition that during bail the petitioners must not tamper with the evidence nor intimidate the witnesses in any manner whatsoever.

The aforesaid conditions are in addition to Section 438(2) of the Cr. P.C.

It is further directed that the petitioner no. 1, namely, Manik Maity should meet the I. O. of the case once in a fortnight until further orders.

Accordingly, the application for anticipatory bail is allowed.

C. R. M. 6325 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)