

24.11.2020

Item No.23

Ct.No.11

dc.

Allowed

C.R.M. 6387 of 2020
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P.S. Case No. 48 of 2020 dated 31.03.2020 under Sections 498(A)/304(B)/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, 1961 (G.R. Case No. 186 of 2020).

And

In the matter of : Anarul Mia & Ors. ... Petitioners.

Mr. Hillol Saha Podder ... For the Petitioners.

Mr. Arun Sarkar ... For the State.

The 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.

The learned advocate for the petitioners submits that the petitioner nos. 1 and 2 are the brothers-in-law and the petitioner no.3 is the mother-in-law of the victim deceased. The learned advocate further submits that the husband of the victim has been arrested in course of investigation. It has further been submitted that charge-sheet has already been submitted in the instant case.

The learned advocate for the State submits that the victim died within two years of marriage. However, the learned advocate for the State is unable to controvert the fact that at the present stage, custodial detention of the petitioners is necessary.

We have perused the materials on record and the locus standi of the present petitioners and on assessment of the facts of the case, we are of the opinion that although a case has been made out, but the custodial detention of the petitioners at this stage is unwarranted. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing 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 on condition that they shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 6387 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)