

28.09.2020
SL No.22
Court No.16
(gc)
(Allowed)

**CRM 6973 of 2020
CRAN 1 of 2020**

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burdwan Women** P.S. Case No.**90/2020** dated **06.07.2020** under Sections **498A/304B/302/34** of the Indian Penal Code.

And

In the matter of: **Md. Ismail Seikh & Ors.**

....Petitioners.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. S. Das,

...for the Petitioners.

Mr. P.K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy,

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within one 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 is disposed of.

The learned Counsel for the petitioners submits that the petitioner No.1 is the father-in-law, petitioner No.2 is the mother-in-law and the petitioner No.3 is the brother-in-law of the deceased housewife. The learned Counsel for the petitioners also submits that the petitioners are on the same footing as those who were granted anticipatory bail by a Coordinate Bench on 25th August, 2020. The learned Counsel has referred to the said order annexed to the petition.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the complicity of the petitioners is established from the materials on record.

Upon consideration of the materials on record and the extent of complicity of the petitioners in the commission of offence alleged as well as the order passed by the Coordinate Bench on 25th August, 2020 by which the persons similarly placed as that of the petitioners have been granted anticipatory bail, we are of the opinion that the custodial interrogation of the petitioners is not warranted and we allow the application for anticipatory bail to the petitioners subject to the condition stated hereinbelow:-

In the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C and on further condition that the petitioners shall cooperate with the investigation officer and shall make themselves available for investigation as and when required.

The application for anticipatory bail being CRM 6973 of 2020 is allowed.

Leave is given to the petitioners to correct the cause title.

All parties are to act on a website copy of this order on the usual undertaking.

(Jay Sengupta, J.)

(Soumen Sen, J.)