

29.9.2020
ap
29

CRM 7294 of 2020
with
I A No. CRAN 1 of 2020
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali P.S. Case No. 135 of 2020 dated 28.3.2020 under Sections 498A/302/506/34 of the Indian Penal Code.

And

In the matter of: **Minajur Rahaman @ Mithun Mia & Ors.**
....Petitioners.

Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Apan Saha

...for the Petitioners.

Mr. Arun Prokash Sarkar

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned advocate for the petitioners submits that the present petitioners are staying at a different mess in different districts. Learned advocate for the petitioner submits that deceased died under normal circumstances and the same has been borne out by the complainant to get the criminal case registered against in-laws family and their relations.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that there are statements of neighbours to corroborate the stand of the complainant.

Learned advocate for the State further adds that there was continuing demand and the inquest report reflects suspicious circumstances, which are heavily weighed against the petitioners.

We have perused the memorandum of evidence along with post mortem report. We find in the memorandum of evidence that there was an initial attempt at the instance of the accused persons for compromising the case by paying money. However, the interrogation initiated after the dead body was exhumed and the post mortem report, prima facie, indicates that some offence has been committed. The facts presently are very hazy which requires a thorough investigation by the authority.

As such, considering the nature and gravity of the offence, we are not inclined to extend the privilege under Section 438 of the Code to the present accused persons.

Accordingly, the prayer for anticipatory bail is rejected.

CRM 7294 of 2020 and CRAN 1 of 2020 are disposed of.

(Subrata Talukdar, J.)

(Tirthankar Ghosh, J.)