

29.9.2020
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CRM 7296 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 Gaighata P.S. Case No. 340 of 2020 dated 16.6..2020 under Sections 306/34 of the Indian Penal Code.

And

In the matter of: **Smt. Jyoti Hazra & Ors.**

....Petitioners.

Mr. Mrinal Kanti Mukherjee

...for the Petitioners.

Ms. Sukannya Bhattacharya

Mr. Mizra F.A. Begg

...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 petitioner no. 1 is the wife, petitioner no. 2 is the father-in-law and petitioner no. 3 is mother-in-law of the deceased husband. Learned advocate further adds that marriage was solemnized almost six years before the unfortunate incident and the dispute relates to the custody of the son.

Learned advocate for the State opposes the prayer for anticipatory bail and draws attention of this Court to the statements of the relations.

We have perused the case diary and the role of the petitioners in the commission of the alleged offence and assessment of the same, we are of the opinion that the custodial detention of the present petitioners may not be warranted in the facts of the case. As such, the prayer for anticipatory bail is allowed.

In the event of arrest, the petitioners will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of equal amount, one of whom must be local, to the satisfaction of the of the arresting officer. In addition, the petitioners will abide by the conditions laid down in Section 438(2) of the Code.

CRM 7296 of 2020 and CRAN 1 of 2020 are disposed of.

(Subrata Talukdar, J.)

(Tirthankar Ghosh, J.)