

05.10.2020

Item No.36

Ct.No.11

P.J & S.M

C.R.M. 7369 of 2020
(IA No. C.R.A.N 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 Krishnaganj P.S. Case No. 157 of 2020 dated 28.07.2020 under Sections 306/34 of IPC.

And

In the matter of : Gargi Nath & Ors.

... Petitioners.

Ms. Minoti Gomes,
Mr. Kaushik Biswas,
Mr. Subhas Chandra Dutta.

.... For the petitioners.

Mr. Sandip Chakraborty,

..... 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.

Leave is granted to the learned Counsel for the petitioners to correct the Cause Title in respect of petitioner No.2.

Learned Counsel for the petitioners submits that the petitioner no. 1/Gargi Nath's husband died and he was suffering from lung disease. Therefore, the offence under Section 306 IPC does not attract.

Mr. Sandip Chakraborty, learned advocate for the State opposes the prayer for anticipatory bail and he produces the Case Diary.

From the medical report it reveals that the cause of death of the petitioner no.1's husband due to Tubercular Meningitis + Disseminated TB + MDR Klbesiella in Bal Right Sided Cavitary Lesion in Lung.

Considering the submission advanced by the learned Counsel for the State and perused the Case Diary, in our considered view, we are inclined to grant anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the investigating officer/arresting officer and shall co-operate with him in course of investigation and on further condition that the petitioners shall not tamper with the evidence or intimidate the witnesses associated with the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

CRM 7369 of 2020 and CRAN 1 of 2020 are thus disposed of.

(Aniruddha Roy, J.)

(Samapti Chatterjee, J.)