

13.10.2020

CRM 7790 of 2020

Court No. 12  
Item No. 15  
snandy

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 30.09.2020 in connection with Uluberia Police Station Case No. 524 of 2016 dated 24.08.2016 under Sections 498A/306/304B/34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act. (G.R. Case No. 1873 of 2016)

and

In the matter of: **Sekh Sakirul Islam & Anr.**

..... Petitioners

**Ms. Juin Dutta Chakraborty, Advocate**

.....for the Petitioners

**Mr. Saswata Gopal Mukherjee, Ld. Public Prosecutor**

**Mr. Aniket Mitra, Advocate**

..... for the State

Petitioners undertake to affirm and stamp the petition/ application as per Rules within one month of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

The petitioner no. 1 is the elder brother-in-law of the victim and the petitioner no. 2 is the married sister-in-law of the victim who succumbed to the injury.

Though the prayer was rejected twice before, the petitioners say that it has recently come to light that the writing which appears to be in the hand of the victim and purports to be a suicide note has been found by an expert to be the handwriting of the victim herself. The petitioners also claim that they were earlier not in possession of the statements recorded at the time of the victim's admission to the hospital the effect that she had set herself on fire.

The State is represented.

Considering such material, which was not before the Court when the prayer was last rejected, the petitioners are entitled to anticipatory bail.

Therefore, we are inclined to extend the privilege of the

anticipatory bail under Section 438 of the Code of Criminal Procedure to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners, be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on further condition that they will cooperate with the investigation and shall meet the Investigating Officer as and when required.

In the event, the petitioners fail to comply with the conditions as envisaged in this order, it is open to the trial Court to cancel the anticipatory bail without making any reference to this Court.

The application being **CRM 7790 of 2020** accordingly **disposed of**.

**(Saugata Bhattacharyya, J.)**

**(Soumen Sen, J.)**