

15.10.2020

CRM 7798 of 2020

Court No. 12
Item No. 27
ss

(anti-bail partly
allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 63 of 2020 dated 26.01.2020 under Sections 498A/304B/34 of the Indian Penal Code.

and

In the matter of: **Susanta Biswas & anr.**

..... Petitioners

Mr. Kaustav Bagchi, Advocate

Mr. Amanul Islam, Advocate

.....for the Petitioners

Mr. Tanmoy Kr. Ghosh, Advocate

Ms. Sima Biswas, 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 learned Advocate for the petitioners submits that the petitioner nos.1 and 2 are the father-in-law and the mother-in-law respectively of the victim, who died because of self immolation. It is further submitted that the husband of the victim has already been enlarged on bail in connection with the CRM 5394 of 2020 dated 24.8.2020 and therefore, the petitioners should also be granted anticipatory bail.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that there are sufficient materials against the petitioners available from the Case Diary including the statement of the victim lady which may not justify any privilege of anticipatory bail to the petitioners.

After hearing the submissions advanced by the respective Counsel and on perusing the materials available on record including the order dated 24.08.2020 passed in CRM. 5394 of 2020, we find that the husband of the victim was granted bail based on the dying declaration of

the victim. We have perused the statement of the victim recorded by the nursing staff wherein the complicity of the petitioner no.2, Bandana Biswas, cannot be ruled out.

In view of the above, the prayer for anticipatory bail pertaining to petitioner no.2, Bandana Biswas, is hereby rejected. Prayer for anticipatory bail pertaining to petitioner no.1, Susanta Biswas, is hereby allowed.

Accordingly, we direct that in the event of arrest, the petitioner no.1, Susanta Biswas, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount, 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.

The application being **CRM 7798 of 2020** is, accordingly, **disposed of.**

(Shampa Sarkar, J.)

(Harish Tandon, J.)