

20/10/2020

Item No.39

AB

Through Video Conference

CRM 8052 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pukhuria P.S. Case No.152 of 2020 dated 13.5.2020 under Sections 498A/304B of the Indian Penal Code

Sk. Nur Alam @ Sekh Nuralam & Others

Vs

The State of West Bengal

Mr. Kallol Mondal,
Mr. M. Alam Sk. ...for the Petitioners.

Mr. Prasun Dutta,
Mr. Santanu Debroy ...for the State.

The petitioners undertake to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The learned Counsel for the petitioners submits that the petitioner no.1 is the elder brother of the accused and the petitioner no.2 is the jha and the petitioner no.3 is the mother in law. It is submitted that the marriage was solemnized one and half years ago and both the spouses since marriage have been living separately in a house.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

It is not in dispute that the accused no.1 is the husband of the victim and he was granted statutory bail. The accused no.6

is the cousin's wife of the accused no.1. The said accused no.6 has already been granted statutory bail. Charge sheet has also been submitted.

Having regard to the materials on record and the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that the charge sheet has already been filed, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that 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, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event they fail to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel their bail automatically without reference to this Court.

Since the charge sheet has been filed, we direct the learned trial court to take immediate steps in the process of framing of charge and take the said proceeding to its logical conclusion as expeditiously as possible.

The application for anticipatory bail of the petitioners is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)