

20.11.2020

CRM 8516 of 2020

Court No. 16
Item No. 27
nandy/biswas

(Via Video Conference)

(Anti-Bail – Allowed)

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 13.10.2020 in connection with Itahar Police Station Case No. 262 of 2020 dated 17.08.2020 under Sections 498A/302/34 of the Indian Penal Code.

and

In the matter of: **Digen Sarkar @ Digendra Nath Sarkar @ Degendra**
..... Petitioner

Mr. Kaushik Chowdhury, Advocate

.....for the Petitioner

Mr. Bidyut Kumar Roy, Advocate

Ms. Rita Dutta, Advocate

.....for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of the normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that he had no role in the unnatural death of the victim and that the petitioner is not even related to the husband of the victim.

The State disputes the petitioner's assertion and says that the petitioner herein is the uncle of the husband of the deceased and the petitioner was clearly named in the FIR as one of those who tortured the victim before her death.

However, there does not appear to be any material, which can connect the petitioner to the unnatural death of the victim.

In such circumstances, petitioner is entitled to anticipatory bail.

In the event of arrest, the petitioner will be enlarged on bail on furnishing security of Rs.10,000 (Rs. Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8516 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)