

CRM 8801 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1908 in connection with Sagarpara Police Station Case No.33/2020 dated 13.08.2020 under Sections 498A/302/34 of the Indian Penal Code, 1860 and Sections 3/ 4 of Dowry Prohibition Act, 1961.

And

In the matter of : Sahabul Sk @ Sahabul Shaikh & Ors.
..... Petitioner

Mr. Jisan Iqbal Hossain, Adv.
.... For the Petitioners

Mr. Swapan Banerjee, Adv.
Ms. Purnima Ghosh, Adv.
.... For State

The petitioners undertake to affirm and stamp the petition as per the rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conferencing on the basis of such undertaking.

The petitioners are the immediate relatives of the husband of a victim who died of burn injuries and claimed that her husband poured kerosene on her before setting her ablaze.

The State relies on witness statements to the effect that these three petitioners held the victim while the victim's husband poured kerosene on her and struck a light. Though it is difficult to accept the statement of the first witness that all this happened before his eyes and he did not intervene, there is another statement which refers to such witness finding the victim burning and the petitioners herein and the husband running away from the place of occurrence.

From the material now evident, the presence of these petitioners at the place of occurrence appears to be well established. Since it does not appear from either statement of the relevant witnesses that these petitioners attempted to save the victim, even if it was a case of accidental fire, the petitioners do not deserve any latitude or consideration.

CRM 8801 of 2020 is dismissed and the prayer for anticipatory bail is refused.

Authenticated website copies of this order be immediately made available to the parties, subject to compliance with all requisite formalities.

(Aniruddha Roy, J.)

(Sanjib Banerjee, J.)

