

C.R.M. 9047 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat Women** P.S. Case No. **41 of 2020** dated **16/09/2020** under Sections **498A/323/307** of the Indian Penal Code.

And

In the matter of: - Saikat Biswas

....petitioner.

Mr. S. Hasan

...for the petitioner.

Ms. S. Das

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted on behalf of the petitioner that there was a domestic quarrel and the petitioner did not intend to murder his wife. Co-accused person has been granted pre-arrest bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that co-accused persons did not stand on the same footing with the petitioner, who had attempted to throttle the victim.

Having considered the materials on record and bearing in mind the prima facie role played by the petitioner in attempting to throttle the housewife and as such allegation is supported by medical evidence and the petitioner does not stand on the same footing with the co-accuseds who have been granted pre-arrest bail, we are not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail is, thus, rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)