

25.11.2020
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Sws M/G.S.Das
Ct. No.11

CRM 9130 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 366 of 2019 dated 24th December, 2019 under Sections 498A/304B of the Indian Penal Code, 1860.

And

In the matter of : **Ashraful Hossain**

..... Petitioner

Mr. Sabir Ahmed
Mr. Mujib Ali Naskar
Mr. A. Saha

.... for the Petitioner

Mr. Nilay Chakraborty
Mr. Biswarup Roy

...for the State.

The petitioner undertakes 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 conference on the basis of such undertaking.

Mr. Ahmed, Learned Counsel for the petitioner seeks relief of the anticipatory bail. This is a case under Sections 498A/304B of the Indian Penal Code. Although it is admitted fact that the victim lady, being the wife of the petitioner, died in unnatural circumstance within seven months of the marriage. It is argued on behalf of the petitioner that there is no material suggesting provocation for the death against the petitioner.

Learned State Counsel, Mr. Chakraborty appears with Mr. Roy, Learned Advocate from Jalpaiguri Circuit Bench and points out from the materials in the case diary that the victim lady died in her paternal house and immediately before her death the petitioner had visited her paternal house and indulged in provocative as well as abusive behavior which is, however, denied by Mr. Ahmed. There is ample material to suggest that the demand for dowry was also made by the petitioner.

The case is under investigation. The petitioner is the only accused and the husband of the victim lady.

Considering the above referred factors, this Court is not persuaded to extend the privilege of anticipatory bail to the petitioner.

Accordingly the prayer for anticipatory bail stands **Rejected**.

With these observations, CRM 9130 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)