

C.R.M. 9555 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kalyani P.S. Case No.318 of 2020 dated 13.10.2020 under sections 498A/306/34 of the Indian Penal Code.

And

In the matter of: Shila Sarkar

Mr. Sourav Chatterjee
Mr. Saumya Nag

... ... for the petitioner

Mr. Narayan Prasad Agarwal
Ms. Subhasree Patel

... ... for the State

It is submitted on behalf of the petitioner that the incident occurred nine years after marriage.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim including the child. Post-mortem report suggests that the death is due to consumption of poison.

In view of the dichotomy between the ocular statements and the PM report, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of

like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 1973.

This application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)