

14/12/2020
Item No.152 DL
S.DE/AD
(Allowed)

C.R.M. 10321 of 2020
With
I.A. No: CRAN 1 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar P.S. Case No. 376 of 2020 dated 21.10.2020 under Sections 341/326/307/34 of the Indian Penal Code adding Section 304 of the Indian Penal Code.

And

In the matter of : Panchanan Biswas & Ors.

...Petitioners.

Mr. Jaydeep Kanta Bhowmik ...for the Petitioners.

Mr. Nilay Chakraborty

Mr. Abhijit Sarkar ...for the State.

It is submitted on behalf of the petitioners that deceased had been arrested in connection with a case involving torture upon his wife. The petitioners, that is, his-in-laws have been falsely implicated in the instant case. Although, the deceased had committed suicide, offence under Section 304 Indian Penal Code has been arrayed in the First Information Report.

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

We have considered the materials on record. There is no eye-witness to the incident. Possibility of commission of suicide and false implication of the petitioners in the instant case cannot be wholly ruled out owing to prior enmity.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) each 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.

The application for anticipatory bail is thus disposed of along with the connected application.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)