

07-01-2021

K.B.
Item no.8
Rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 77 of 2021

Asit Kumar Adhikary @ Asit Kr. Adhikary & Anr.

-vs-

The State of West Bengal

In Re: An application for bail under Section 439 CrPC in connection with Belghoria Police Station Case No.571 of 2020 dated 01.11.2020 under Sections 498A/302/304B/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961.

Mr. Kallol Kumar Basu
Mr. Apalak Basu
Mr. Nazir Ahmed ...for the petitioners.

Mr. S.G. Mukherji
Ms. Sreeparna Dey ... for the State.

Mr. Baidurya Ghosal
... for the defecto complainant.

Mr. Basu, Learned Counsel, appears for the petitioners.

This is an application for bail in connection with Belghoria Police Station Case No.571 of 2020 dated 01.11.2020 under Sections 498A/302/304B/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961.

The petitioner before this Court in this application are respectively the father-in-law and mother-in-law of the deceased married lady.

It is submitted by Learned Counsel for the petitioner that no proximate nexus/involvement of the petitioners has been pointed out *qua* the death of the married lady, who was the daughter-in-law and married to their son for the past around three years.

It is submitted that the medical reports reveal that the death is suicidal in nature. It is further submitted that the son and the wife used to reside separately at Hyderabad and only in January, 2020 came to live in Belghoria where the present petitioners, who are originally residents of Raiganj, West Bengal, joined the couple and they stayed in common mess till the death. The incident took place sometime in November, 2020 after the deceased married lady gave birth to a daughter in March, 2020.

Learned Public Prosecutor, Mr. Mukherji with Ms. Dey, Learned Advocate, places the Case Diary before this Court and submits on the basis of the materials placed that there is sufficient evidence to establish the proximate nexus of the present petitioners to the death of the married lady. It is submitted that investigation is still on and the petitioners are in custody for about 66 days at present.

It is submitted that having regard to the nature of the place of death of the married lady in the matrimonial home, there can be no distinction of the respective roles played by the husband of the deceased and the petitioner nos. 1 and 2, who are the parents-in-law.

On behalf of the *defacto* complainant, appearance is put in by Mr. Ghosal, Learned Advocate, who reiterates the stand of the Learned Public Prosecutor.

Having considered the rival submissions and the materials placed as well as the present stage of the investigation, this Court is not persuaded to grant the prayer for bail of the present petitioners.

Accordingly, the prayer for bail is thus rejected.

CRM No. 77 of 2021 stands accordingly **disposed of**.

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

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]