

15.02.2021
Court No.28
rpan / 227

C.R.M. 329 of 2021
(Via Video Conference)

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In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;

And

In Re : Chinmay Kumar Patra

....Petitioner.

Mr. Mukteswar Maity

....for the Petitioner.

Mr. Bidyut Kumar Roy,

Ms. Rita Dutta

.... for the State.

Mr. A. K. Samanta,

Mr. Soumik Ganguly

... for the *de facto* / complainant

Apprehending arrest in connection with Contai P. S. Case
No. 195 of 2020 dated 15.062020 under Sections
498A/304B/34 of the Indian Penal Code and Sections 3/4 of
the D. P. Act, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the
petitioner is the uncle-in-law of the deceased and he has been
falsely implicated in the instant case although he was living in
a separate mess. The learned advocate further submits that
the investigation has been completed and as such the
custodial detention of the petitioner may not be warranted.

The learned advocate for the State opposes the prayer and
draws the attention of the Court to the statements of the
witnesses.

We have perused the materials in the case diary and it is
evident therein that the marriage was solemnized on 14th
March, 2020 and the incident happened on 23rd may, 2020

and the victim thereafter expired on 5th June, 2020. Having regard to the close proximity of time of marriage and the death of the victim and the complicity of the present petitioner, as would reveal from the statements under Sections 161 of the Code of Criminal Procedure, we are of the opinion that the petitioner is not entitled to the benefit of Section 438 of the Code of Criminal Procedure. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

The application of anticipatory bail, being CRM 329 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)