

08.02.2021
Court No.28
Item No. 172
Krishnendu
Partly Allowed

C.R.M. 401 of 2021
(Via video Conference)

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

And

In re: **Santosh Sarkar @ Bhola @ Anr.**

.....Petitioners

Ms. Minati Gomes

Mr. Jisan Iqubal Hossain

....For the Petitioners

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

.....For the State

Apprehending arrest in connection with Hariharpara Police Station Case No. 150 of 2020 dated 04.06.2020 under sections 498A/304B/34 of the Indian Penal Code, the petitioners have filed the present application.

On the prayer of Ms. Gomes, learned advocate appearing for the petitioners, the application, so far as petitioner no. 2, **Kanika Sarkar**, is concerned, is dismissed as 'not pressed'.

Ms. Gomes submits that the petitioner no. 1 is the husband of the petitioner no. 2. He has been falsely implicated in this case. No overt act has been attributed to the petitioner no. 1. The victim lady committed suicide. Upon completion of investigation, charge sheet has also been filed. In view thereof, custodial detention of the petitioner no. 1 is not necessary.

The learned advocate appearing for the State opposes the prayer for anticipatory bail.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner no.1 in the alleged offence, we are of the opinion that custodial detention of the petitioner no. 1 is not necessary.

Accordingly, we allow the application of petitioner no. 1 and direct that in the event of arrest the petitioner no.1, namely, **Santosh Sarkar @ Bhola**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 401 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata

