

12.04.2021
Court No.28
rpan / 304

CRM 818 of 2021
(Via video Conference)

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

And

In Re : **Akhsay Bandopadhyay**

- Petitioner

Mr. Soumik Ganguly

... For the Petitioner.

Mr. Tanmay Kr. Ghosh,

Ms. Sima Biswas

... For the State

Apprehending arrest in connection with Durgapur Women P.S. Case No. 20 of 2020 dated 19.03.2020 under Sections 498A/323/307/506/120B/406 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act, the petitioner has filed the present application.

The present petitioner happens to be the husband of the deceased.

The learned advocate appearing for the petitioner submits that the victim was undergoing treatment and subsequently after her death, her relations have initiated the present case.

The learned advocate for the State produces the case diary and submits that there is allegation of torture being available in the statements of the witnesses.

We have perused the materials in the case diary, more particularly, the medical reports and we find that the victim was suffering from lungs infection and subsequently she died. Having regard to the nature of allegations, we are of the opinion that

custodial detention of the petitioner may not be warranted. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Akhsay Bandopadhyay**, shall be released on bail upon furnishing a bond of ₹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 petitioner shall meet with the Officer-in-charge of the Durgapur Women Police Station once a week on and from 20th April, 2021 until further orders.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 818 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)