

03.09.2021
16
Ct. No. 29
sdas
rejected

C.R.M. 833 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 916 of 2020 dated 29.09.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Bharati Ruidas & Ors. petitioners

Mr. Pintu Karar
Mr. Sandipan Das
Mr. A. Mukherjee

.... for the petitioners

Mr. S. G. Mukherjee, learned P.P.
Ms. Faria Hossain
Mr. Aniket Mitra

... for the State

Leave is granted to the learned advocate on record for the petitioners to correct the cause title of this application in course of this day.

Petitioners seek anticipatory bail.

Learned advocate appearing for the State submits that the first four petitioners were arrested last evening. Petitioner no. 5 is yet to be arrested.

Learned advocate appearing for the petitioners submits that the charge-sheet was submitted. There is no requirement for the petitioners to be taken into custody.

Initially, F.I.R. was lodged, inter alia, under Section 302 of the Indian Penal Code. The police, however, submitted a

charge-sheet, inter alia, under Section 304B of the Indian Penal Code.

At trial, directions contained in ***(2010)15 SCC 116 (Rajbir Alias Raju & Anr. Vs. State of Haryana)*** will apply, that is to say that, the Court will be required to consider the alternative charge under Section 302 of the Indian Penal Code.

In view of the first four petitioners being arrested last evening, application for anticipatory bail becomes infructuous in respect of four of them.

Considering the factual situation as narrated above, we are unable to grant anticipatory bail to the petitioner no. 5.

Accordingly, prayer for anticipatory bail of the petitioner no. 5 is rejected and the application being CRM 833 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)