

26.02.2021
Item no.10
Court No.28
Avijit Mitra

C.R.M.1135 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Uluberia Police Station Case No.220 of 2020 dated September 3, 2020 under Sections 498A/302/304B/34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961;
And

In Re : B.K Rao & ors.

.... petitioners

Mr. Aniruddha Bhattacharya

....for the petitioner

Mr. Rudradipta Nandy

..... for the State

Learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law, petitioner no.2 is the mother-in-law and the petitioner no.3 is the sister-in-law of the deceased. He further submits that the husband was initially arrested and subsequently he has been released on bail. Additionally learned advocate submits that although a case was initially registered under Section 302 of the Indian Penal Code (alongwith other sections) yet after conclusion of investigation chargesheet has been submitted under Sections 304B/306 of the Indian Penal Code (along with other sections).

Mr. Nandy, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statements of some of the neighbours which were appearing in the case diary. He further submits that the marriage was solemnized on or about February, 2020 and unfortunate incident took place on or about September, 2020 and as such detention of the petitioner may be warranted.

We have perused the materials on record including the statements of the witnesses and we find that after conclusion of investigation the investigating officer has submitted chargesheet under Section 306 of the Indian Penal (along with other sections), as such we are of the opinion that the same dilutes the initial allegation of the complainant. We are thus of the view that although a case has been made out but custodial detention of the petitioners may not be warranted in the facts and circumstances of the instant case. As such the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **B.K Rao, B Gita Rao and Lila Das**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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 order of anticipatory bail will remain in force for a period of four weeks from date. The petitioners are directed to surrender and pray for regular bail before the jurisdictional Court within the said period.

Accordingly, the application for anticipatory bail being CRM No.1135 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.)

(Tapabrata Chakraborty, J.)

