

C.R.M. 1465 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ratua P.S. Case No. 325 of 2020 dated 15.07.2020 under Sections 341/325/304 read with Section 34 of the Indian Penal Code.

And

In the matter of: Manuwara Khatun

....petitioner.

Mr. Dr. Jyotirmoy Adhikary

...for the petitioner.

Mr. S. G. Mukherjee, Ld P.P.,
Mr. S. S. Imam,
Mr. S. Kundu

...for the State.

Counsel for the petitioner submits that his client is a lady and was directly involved in the altercation between the husband and his brother. The father-in-law of the petitioner has died as a consequence of the said altercation.

Counsel for the State submits that this is the fourth application for anticipatory bail filed by the petitioner and there is no change in circumstances. It is further submitted that the petitioner is absconding.

This Court is of the view that although the charge-sheet has been filed in the instant case, a person who is absconding cannot be allowed relief under Section 438 CrPC. Hence the application under Section 438 CrPC is dismissed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)