

26.08.2021

Court No.28
Item No.278
(Dismissed)

Akd
&
As

CRM 1732 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Arambagh Police Station Case No. 401 of 2020 dated 05.11.2020 under Sections 306 of the Indian Penal Code;

And

In the matter of : **Santwana Maity**

...Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee.

...For the Petitioner

Mr. N. P. Agarwal,
Ms. Subhasree Patel,
Mr. G. Wilson.

...For the State.

Apprehending arrest in connection with Arambagh Police Station Case No. 401 of 2020 under Sections 306 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the petitioner despite the matrimony tie did not reside in the matrimonial house and all along resided in her parental house. It is further submitted that the husband came to the house of the wife, i.e. the petitioner herein, and later on committed suicide.

The State opposes the prayer for anticipatory bail. It is submitted that the wife instigated the husband to commit suicide, which would be evident from the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

After hearing the respective Counsels and on perusal of the statement of the aforesaid witnesses recorded under Section 161 of the Code of Criminal Procedure and the fact that the investigation is still in progress, we do not find that it is a fit case where the petitioner should get the benefit of Section 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is thus rejected.

The application for anticipatory bail, being CRM 1732 of 2021 is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)