

12.08.2021

(Via Video Conference)

Court No.28
Item No.307
(ALLOWED)

CRM 2100 of 2021

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 23.02.2021 in connection with Englishbazar Police Station Case No. 489 of 2020 dated 11.06.2020 under Sections 498A/306/511 of the Indian Penal Code;

And

In the matter of : **Chinmoy Gupta @ Tinku Gupta.**

...Petitioner

**Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.**

...For the Petitioner

**Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen.**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Englishbazar Police Station Case No. 489 of 2020 under Sections 498A/306/511 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The wife of the petitioner, since deceased, was hospitalized after consuming acid on 15th April 2020. She was discharged on 14th May 2020 on the findings of the Doctor that she was clinically and hemodynamically stable. After discharge, she was taken to her matrimonial home. On 22nd May 2020, she was again feeling unwell and taken to Malda General Hospital and from there she was referred to SSKM Hospital where she died on 11th June 2020.

It is submitted by Mr. Kallol Mondal, learned Advocate for the petitioner, that the co-accused persons were granted anticipatory bail and charge-sheet has already been submitted and, therefore, the petitioner may be released on anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail.

What strikes in our mind is that after being discharged initially from the hospital on 14th May 2020 with the observation that the victim was clinically and hemodynamically stable, she or any of her family members did not make any complaint during her lifetime regarding the physical torture and abetment to commit suicide.

In view of the fact that charge-sheet has already been submitted, custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

CRM 2100 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)