

30.07.2021
Item no.64.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2181 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 23.02.2021 in connection with Patashpur Police Station Case No.453 of 2020 Dated 14.12.2020 under Sections 498A/302/34 of the Indian Penal Code

And

In the matter of : Chaitannya Manna & Anr.

.....Petitioners.

Sk. Sahjahan,
Mr. Aniket Mitrafor the Petitioners.

Ms. Sukanya Bhattacharya,
Md. Kutubuddinfor the State.

The petitioner no.1 is the father in law of the victim lady. The incident occurred six years after the marriage. The petitioner no.2 has already been arrested and hence, this application for anticipatory bail is not pressed on behalf of the petitioner no.2.

The application stands dismissed as regards the petitioner no.2.

We are told that the husband is the prime accused. He is in custody.

The State produces the case diary and draws our attention to the statements of neighbours recorded under Section 161 of the Code of Criminal Procedure. We have gone through the same and we find nothing very incriminating therein.

Learned Counsel for the petitioners says that it was an accident that the victim suffered. The victim was in hospital for seven days with burn injuries. The victim did not give any statement.

Considering the facts and circumstances of the case and the material in the case diary and also considering that the petitioner no.1 is 71 years old and the fact that charge sheet has been filed, we are inclined to hold that immediate custodial interrogation of the petitioner no.1 may not be necessary and he may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner no.1 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner no.1 fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2181 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)