

44.
18-08-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 2702 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patrasayer Police Station** Case No. **14 of 2021** dated **26.01.2021** under Sections **498A/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Jayanta Bagdi & Ors.

.... Petitioners.

Mr. Pampa Dey,
Mr. Sangita Banerjee,

... For the Petitioners.

Mr. Tanmoy Kr. Ghosh,
Mr. A. Sen

... For the State.

There was some confusion as to whether or not the victim succumbed to the burn injury. Such confusion has been cleared today by learned Counsel for both the parties. The victim, in fact, died.

We have seen the material in the case diary including the dying declaration of the victim. She clearly implicated the petitioner nos. 1 and 3. The petitioner no. 2 was not named. In fact, she stated that the petitioner no. 2 and her husband did not do anything.

In view of the fact that the petitioner no. 2 has not been implicated by the victim in her dying declaration and also on an overall assessment of the material on record, we are inclined to allow the prayer of the petitioner no. 2.

In so far as the petitioner nos. 1 and 3 are concerned, they were specifically named by the victim in her

dying declaration. Hence, we are not inclined to allow their prayer. The application for anticipatory bail is dismissed in so far as the petitioner nos. 1 and 3 are concerned.

Accordingly, in the event of arrest, the petitioner no. 2 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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2702 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)