

24.09.2021
34
Sdas
Partly Allowed

**CRM 6351 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pursurah Police Station Case No. 101 of 2021 dated 22.07.2021 under Sections 498A/328/307/406/34 of the Indian Penal Code.

In Re : Biswanath Patra & Anr. petitioners

Mr. Suman Chakraborty
.....for the petitioners

Mr. Debabrata Chatterjee, learned A.P.P.
Ms. Moushumi Sarkar
....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the complaint was lodged eight years after the marriage. He submits that the petitioners were falsely implicated in the instant case. The husband is in custody.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary particularly to the statements of the victim lady recorded under Section 164 of the Code of Criminal Procedure and to the confessional statement of a co-accused. He also submits that poison was recovered from the husband of the petitioner no. 2.

Considering the statements of the victim lady recorded under Section 164 of the Code of Criminal Procedure and the contents of the case diary and the complicity of the petitioners

in the alleged crime, we are unable to grant anticipatory bail to the petitioner no. 1, Biswanath Patra.

Accordingly, application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, in the light of extent of complicity of the petitioner no. 2, we are inclined in granting anticipatory bail to the petitioner no. 2.

Accordingly, we direct that in the event of arrest the petitioner no. 2, Rinku Patra, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner no. 2 shall co-operate with investigation and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, accordingly, allowed in so far as petitioner no. 2 is concerned.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

