

CRM 7564 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Tarapada Santra & Ors.**

..... petitioners

Mr. Pravas Bhattacharya

.....For the petitioners

Mr. Sujan Chatterjee

.....For the State

Apprehending arrest in connection with Daspur Police Station Case No. 307/2021 dated 11.06.2021 under Sections 498A/323/328/307/306/506/34 of the Indian Penal Code read with under Sections 3 and 4 of the Dowry Prohibition Act, the instant application is filed praying for anticipatory bail.

Mr. Bhattacharya, learned lawyer appearing for the petitioners submitted that the incident took place 16 years after marriage. The victim was admitted in the hospital and died subsequently after 10 days, but no statement of the victim was recorded in the meantime implicating the present petitioners. The allegation is baseless for which the anticipatory bail is prayed for with any stringent condition.

Per contra, learned lawyer representing the State submitted that the victim was poisoned to death by the husband and in-laws. Case diary contains the statement of the minor daughter which very clearly implicates the present petitioners to the alleged crime. Strong incriminating elements are there against the present petitioners. Therefore, he

strongly opposed grant of anticipatory bail although charge sheet is filed.

We have heard rival submissions and perused the case diary. The statement of the minor daughter of the victim and other witnesses recorded as well as the medical documents are strongly incriminatory against the present petitioners. At this stage, sufficient materials are there showing complicity of the present petitioners to the alleged crime. On perusal of case diary, we find that it is not a case of suicide as appears from the statement of the witnesses. Considering the seriousness of offence and complicity of the petitioners, we are not inclined to allow anticipatory bail to the petitioners and accordingly, the same is rejected.

The application CRM 7564 of 2021 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)