

25.01.2021
Item No.177
Ct.No.28
Subha
Allowed

C.R.M. 9673 of 2020
(Via Video Conference)

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

And

In the matter of : Krishnapada Seth @ Kesto Seth & ors.
.. Petitioners.

Mr. Shibaji Kumar Das
... For the Petitioners.

Ms. Faria Hossain
Ms. Sonali Das
... For the State.

Apprehending arrest in connection with Chakdah
Police Station Case No. 339 of 2020 dated 17th November,
2020 under Sections 306/34 of the Indian Penal Code, the
present application has been filed.

Mr. Das, learned advocate appearing for the
petitioners submits that the petitioner no.1 is the father-in-
law of the deceased and the petitioner nos. 2 and 3 are the
brothers-in-law of the deceased while petitioner no.4 is a
neighbour.

The prosecution case according to the learned
advocate is based on the relationship of the wife of the

deceased with the petitioner no.4, although the marriage was solemnized 18 years prior to the date of incident.

Learned advocate for the petitioners further submits that the petitioners undertake to abide by any condition imposed by this Court.

Ms. Hossain, learned advocate for the State opposes the prayer for anticipatory bail of the petitioners and draws the attention of this court to the statement of the daughter and other witnesses.

We have perused the materials on record and having regard to the fact that the marriage was solemnized 18 years prior to the date of incident, we are of the opinion that the custodial detention of the petitioners may not be warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner no. 4 shall meet with the Investigating Officer of the case once a week on and from 2nd February, 2021 until further orders.

The application for anticipatory bail, being CRM 9673 of 2020 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)