

17.03.2021

CRM 10583 of 2020

**Court No.28
Item No.25
(Allowed)**

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 11.12.2020 in connection with Basirhat Police Station Case No. 85, dated 21.01.2020 under Sections 498A/304B/306/406/120B/34 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act. (G.R. Case no. 251/17)

And

In the matter of : **Sankarlal Ghosh & Anr.**

...Petitioners

**Mr. Saryati Datta,
Ms. Rajnandini Das.**

...For the Petitioners

**Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy.**

...For the State.

**Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous.**

...For the de facto complainant.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Basirhat Police Station Case No. 85 under Sections 498A/304B/306/406/120B/34 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act.

Learned Advocate appearing for the petitioners submits that the petitioners, being the father-in-law and mother-in-law of the deceased, are languishing in jail for nearly 113 days. It is further submitted that the husband of the deceased and the son of the petitioners have been enlarged on bail and, therefore, the petitioners are also entitled to be treated in a similar way to that of their son.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioners were declared proclaimed offender and subsequently surrendered voluntarily and are languishing in jail.

The de facto complainant has come and echoed the submissions of the State. It is further submitted that the victim was inflicted with mental and physical torture, which led to the loss of life and, therefore, the petitioners should be dealt with stringently.

After hearing the submissions so advanced by the respective Counsels and on perusal of the materials available in the case diary

and the fact that the husband of the deceased victim has already been enlarged on bail, the petitioners being the father-in-law and mother-in-law standing on the same footing are entitled to be treated equally. Furthermore, it is a fair submission on behalf of the State that the allegations of the de facto complainant involve all the persons including the husband as well as the parents-in-law and there is no specific allegation against the present petitioners.

In view of the above we do not think that the petitioners should be treated differently.

Accordingly, The petitioners shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Basirhat.

So far as the petitioner no. 1 is concerned, he shall attend the Court on each day of its listing and the default in appearance on any solitary occasion without justifiable reason may invite the cancellation of bail by the learned Sessions Judge without any further reference to this Court.

(Harish Tandon, J)

(Tirthankar Ghosh, J.)