

12.03.2021.
Item No. 122
(Rejected)

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C.R.M. 10989 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.12.2020 in connection with Andal P.S. Case No. 232 of 2020 dated 06.08.2020 under Sections 306/313/120B of the Indian Penal Code;

And

In the matter of : **Panchu Ghosh and others.**

... petitioners.

Ms. Minati Gomes,
Mr. Partha Sarathi Das.

..For the petitioners.

Mr. Imran Ali,
Mr. Sujay Sarkar.

...For the State.

Apprehending arrest in connection with Andal P.S. Case No. 232 of 2020 under Sections 306/313/120B of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that the petitioner no. 1 and 2 has already been arrested in the meantime and, therefore, does not press the instant application for them. She presses the instant application only for the petitioner no. 3, who happened to be the wife of the deceased, who died after committing suicide.

The learned Advocate for the petitioner no. 3 submits that she is an unfortunate lady having lost both the husband and child, who died due to miscarriage and has been falsely implicated in connection with the instant case by her in-laws without any reasons.

The learned advocate for the State opposes the prayer for anticipatory bail. It is submitted that there is a suicidal

note left by the deceased, which would reveal the complicity of the petitioner no. 3 and, therefore, she should not be allowed to have privilege of pre-arrest.

Upon hearing the respective Counsels and on perusal of the materials available in the case diary including the suicidal note allegedly left by the deceased at the time of commission of suicide, we do not think that it is a fit case where the petitioner no. 3 is entitled to have the privilege of pre-arrest.

Accordingly, the prayer for anticipatory bail of the petitioner no. 3 is **rejected**.

(Harish Tandon, J.)

(Kausik Chanada, J.)