

20.07.2021

Court No.28
Item No. JB-06
nandy

(antibail - granted)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 668 of 2021

In Re:- An application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure filed on 21.06.2021 in connection with Rajganj Police Station Case No. 20 of 2021 dated 16.01.2021 under Sections 498A/307/302 of the Indian Penal Code (G.R. Case No. 255 of 2021);

and

In the matter of: **Ichhan Roy @ Echan Roy & Ors.**

.....Petitioners

Mr. Jaydeep Kanti Bhowmik, Advocate

.....for the Petitioners

Mr. Arun Sarkar, Advocate

Mr. Tapan Bhattacharya, Advocate

.....for the State

The Advocate-on-record of the petitioners undertake to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Rajganj Police Station Case No. 20 of 2021 dated 16.01.2021 under Sections 498A/307/302 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioners submits that the petitioner no. 1 is the father-in-law, petitioner no. 2 is the mother-in-law and the petitioner no. 3 is the nephew of the deceased lady and they have been implicated in the instant case registered on the death of the victim lady. The allegation is that the victim lady was burnt to death and her dying declaration was also

recorded in the hospital. Admittedly, the husband of the victim lady and the wife of the second brother-in-law have already been enlarged on bail.

It is no doubt true that the victim succumbed to the burn injury and while in the hospital, the dying declaration was recorded which does not appear to have bearing on the role of the present petitioners. Even the statement of the minor son of the victim lady recorded under Section 164 of the Code of Criminal Procedure does not speak about the complicity of the present petitioners to the alleged offence and, therefore, we do not think that custodial interrogation of the petitioners is necessary.

Thus, the prayer of **anticipatory bail** is **allowed**.

Accordingly, 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, to the satisfaction of the arresting officer of the concerned police station and on condition that the petitioners shall meet the Investigation Office once in week by the Investigating Officer and on further condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being **CRM 668 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

