

05.08.2021

Court No.28
Item No.23
(Rejected)

Saswata

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

(Via Video Conference)

CRM 700 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Malbazar Police Station Case No. 326 of 2021 dated 23.06.2021 under Sections 498A/306 of the Indian Penal Code (G.R.Case No. 3151 of 2021);

And

In the matter of : **Govinda Sarkar @ Govinda Kirtania & Ors.**
...Petitioners

Mr. Joydeep Kanta Bhowmick

...For the Petitioners

Mr. Niloy Chakraborty
Mr. Saikat Chatterjee

...For the State.

The Advocate-on-record of the petitioners undertakes 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 Malbazar Police Station Case No. 326 of 2021 under Sections 498A/306 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 instant application under Section 438 of the Code of Criminal Procedure has been filed praying for anticipatory bail by four petitioners in connection with the above-referred case.

It is submitted by the learned Advocate for the petitioners that in the F.I.R., it is stated by the *de facto* complainant that failing to bear torture inflicted upon the deceased by the petitioners, she consumed poison on 20th May 2021 and died on 22nd June 2021. As per the F.I.R. case, no such incident took place on 20th May 2021 and, therefore, the petitioners are entitled to the benefit of anticipatory bail. Moreover, the petitioners are married sisters-in-law and husband of one of the sister-in-law and mother-in-law of the deceased. The married sister-in-law and her husband reside separately. No allegation has been leveled against them.

In reply, thereto, learned Advocate for the State raised serious objection against the prayer for anticipatory bail. It is submitted by him that all the petitioners are directly involved in inflicting torture upon the petitioners.

We have carefully perused the F.I.R. In the last line of the F.I.R., it is stated that the petitioner died on 21st June 2021. It is also stated that she died on the next date of consuming the poison. Therefore, the date mentioned in the third paragraph of the F.I.R. as to the consumption of poison is prima facie wrongly recorded.

Moreover, considering the gravity of the offence, we are of the view that custodial interrogation of the petitioners are absolutely necessary.

As such, the prayer for anticipatory bail is **rejected**.

The application for anticipatory bail being CRM 700 of 2021 is, thus, **dismissed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)