

24.08.2021

Court No.28
Item No.JL-26
(Rejected)

Saswata

(Via Video Conference)

CRM 708 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. 608 of 2020);

And

In the matter of : **Biswajit Kirtania**

...Petitioner

Mr. Joydeep Kanta Bhowmik

...For the Petitioner

Mr. Abhijit Sarkar

Mr. Aniruddha Biswas

...For the State.

The Advocate-on-record of the petitioner 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 petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The case has been initiated on the unfortunate death of a married lady within five years of her marriage upon commission of suicide by consuming poison. She was taken to the hospital and the person who took her to the hospital disclosed in his statement that she divulged the name of her husband and her other family members who led her to commit suicide. It is a case of abetment to commit suicide and, therefore, the custodial interrogation of the petitioner is very much necessary.

We, thus, do not find any ground for extending the benefit of Section 438 of the Code of Criminal Procedure to the petitioner.

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

The application for anticipatory bail being CRM 708 of 2021 is, thus,
dismissed.

(Harish Tandon, J.)

(Md. Nizamuddin, J.)