

06.04.2022
Serial no. 15
[Dd]
(Anticipatory bail
Rejected)

CRM(A) 1575 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhimpore** Police Station Case No. **92** of **2022** dated **17.03.2022** under Sections **498A/304B/302/201/120B** of the Indian Penal Code.

-And-

In the matter of : **Prakash Ghosh & Anr.**
... ..**Petitioners**

Mr. Kaustav Bagchi,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Debayan Ghosh, Advocates
... .. For the Petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharyya, Advocate
... ..For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. In particular, he draws the attention of the Court to the statement of the husband of the victim recorded under Section 161 of the Criminal Procedure Code.

Learned advocate appearing for the petitioners submits that the statement of the husband of the victim was made while in custody and, therefore, is of no evidentiary value and should not be looked into and considered by this Court.

Both the petitioners are related to the victim. They are not strangers to the family. The incident is one of dowry death. The victim was burnt alive.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and considering the fact that investigations are yet to be concluded, we are not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM(A) 1575 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)