

29.06.2022
Serial no. 58
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 3054 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **444** of **2022** dated **21.03.2022** under Sections **498A/326/307/34** of the Indian Penal Code added Sections **302/304B** of the Indian Penal Code.

-And-

In the matter of : **Dilip Das & Anr.**

... .. Petitioners

Mr. Rana Mukherjee, Advocate

... .. For the Petitioners

Mr. S.G. Mukherjee, Id. PP

Mr. Partha Pratim Das,

Ms. Manasi Roy, Advocate

... ..For the State

Petitioners renew the prayer for anticipatory bail.

Learned advocate appearing for the petitioners submits that there are two changes in the circumstances subsequent to the earlier order of anticipatory bail.

He submits that subsequent to the earlier order of rejection, the police submitted charge sheet inter alia under Section 304B of the IPC after conducting an investigation inter alia under Section 302 of the IPC. The husband of the deceased was arrested on March 26, 2022 and that he was granted bail by the jurisdictional Court on June 16, 2022.

Learned advocate appearing for the state submits that the petitioner no. 2 gave written information to the police. He submits that in terms of directive of the Hon'ble Supreme Court, a charge under Section 302 can be added while considering a charge under Section 304B of the IPC. He

submits that the petitioners were absconding since the earlier order of rejection.

The earlier order of rejection is dated May 10, 2022.

Subsequent thereto, the police filed charge sheet inter alia under Section 304B IPC after conducting investigations inter alia under Section 302 IPC thereof.

The husband was taken into custody on March 26, 2022 and was granted bail by the jurisdictional Court on June 16, 2022.

The case diary does not disclose any materials to suggest that the police took any steps for the purpose of taking the petitioners in custody since the time of the commencement of the investigation or at least after May 10, 2022 when there prayer for anticipatory bail was rejected.

In the circumstances, considering the fact that police filed charge sheet and that the husband was enlarged on bail by the jurisdictional Court, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that 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 and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

CRM (A) 3054 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)