

07.04.2022
Sl. No.16
akd
[Rejected]

C. R. M. 5831 of 2018
(CRAN 1 of 2021)
(CRAN 2 of 2021)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2018 in connection with Burrabazar Police Station Case No.70 of 2017 dated 13.02.2017 under Sections 498A/306/406/120B of the Indian Penal Code. (G.R Case No.288 of 2017)

And

In Re: ***Sunil Saha @ Shaw & Anr.***

... .. Petitioners

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Rahul Ganguly

... .. for the petitioners

Ms. Zareen N. Khan
Ms. Amita Gaur

... .. for the State

Leave is granted to the learned advocate-on-record of the petitioners to correct the cause title in the applications being CRAN 1 of 2021 and CRAN 2 of 2021 respectively.

Mr. Milon Mukherjee, learned senior advocate appearing for the petitioners submits that the earlier application for anticipatory bail being CRM 600 of 2018 was dismissed as withdrawn. Subsequently, petitioners took out the present application seeking pre-arrest bail. Due to lack of communication, petitioners were unrepresented and the matter was dismissed for default on 26.11.2019. Due to prevailing pandemic conditions, petitioners were unaware of the aforesaid dismissal and belatedly took out the application for recalling of the order of dismissal. Mr. Mukherjee submits delay in filling the application for recalling of the order dated 26.11.2019 be condoned and order be recalled.

In Re : C.R.A.N. 2 of 2021

Having considered the averments made in the application for condonation of delay, we condone the delay in preferring the application being CRAN 1 of 2021 for recalling of the order dated 26.11.2019.

Accordingly, CRAN 2 of 2021 is allowed.

In Re : C.R.A.N. 1 of 2021

We have considered the averments in the said application seeking recalling of the order dated 26.11.2019. The application for anticipatory bail was dismissed for default and not on merits.

Under such circumstances, we are inclined to recall the order dated 26.11.2019 and restore the application to its original file and number.

The application being CRAN 1 of 2021 is thus, allowed.

In Re : C. R. M. 5831 of 2018

We have considered the materials on record. Housewife committed suicide within two years of marriage. Dying declaration of the victim-housewife implicates the petitioners, who are her parents-in-law. They subjected her to ill-treatment and torture which drove her to commit suicide. In view of the aforesaid materials on record implicating the petitioners in the alleged crime, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners stands rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

