

07.01.2022
Sl. No.2
akd
[Rejected]

C. R. M. 6628 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.09.2021 in connection with Khayrasole Police Station Case No.63 dated 19.08.2020 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: ***Gopal Sikdar & Ors.***

... .. Petitioners

Mr. Amajit De

... .. for the petitioners

Mr. Imran Ali

Mr. Mirza Firoj Ahmed Begg

... .. for the State

Petitioner nos.1 & 2 are the father-in-law and mother-in-law respectively of the victim-housewife and petitioner no.3 is her sister-in-law. Prayer for anticipatory bail of petitioner no.3 was rejected earlier. It is submitted on behalf of the petitioners that prayer for pre-arrest bail of uncle-in-law namely, Subal Sikdar has been allowed by this court in CRM 9744 of 2020.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the dying declaration of the victim-housewife implicating the petitioners. In view of the prima facie role of the petitioners in abetting the victim-housewife to commit suicide, we are of the opinion they do not stand on the same footing with co-accused namely, Subal Sikdar, uncle-in-law of the deceased housewife who has been granted pre-arrest bail. In view of the aforesaid facts and bearing in mind the gravity of the offence, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioners.

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

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)