

22-08-2023
Item no.333A
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM(A) No.3138 of 2023
Shyamali Ghosh & Anr.

-vs-

The State of West Bengal

In Re: An application for anticipatory bail under **Section 438 CrPC** in connection with Hanskhali P.S. Case No.293 of 2023 dated April 4, 2023 under sections 498A/304B/34 IPC

Ms. Sananda Bhattacharya ...for the petitioners

Mr. Rudradipta Nandy
Ms. Sonali Das ... for the State

1. Heard learned counsel for the parties.
2. The petitioners are sister-in-law and mother-in-law of the deceased who is alleged to have committed suicide. Raju Ghosh, brother-in-law of the deceased, has been enlarged on regular bail vide order dated July 18, 2023 passed in CRM(DB) No.2846 of 2023.
3. Filing of charge-sheet and admission of some co-accused persons on regular bail are not supervening circumstances warranting reconsideration of prayer for anticipatory bail in a second petition after rejection of the first one on merits.
4. However, the petitioners being ladies, are directed to appear before the competent magistrate within 15 days from today after giving three days' advance notice to learned PP/APP attached to the said court so that CD can be obtained to assist the court for disposal of the bail application on merits. On their appearance and application for bail, the same shall be disposed of on merits on the same date. Ground of parity, it canvassed on the basis of aforesaid order passed by this court in the

case of Raju Ghosh, the same shall be taken into consideration while disposing of the aforesaid bail application so filed along with the fact that the petitioners being ladies are entitled to the benefit under sub-section (1) proviso of section 437 CrPC.

5. With the aforesaid observations, CRM(A) No.3138 of 2023 stands disposed of.

[Chitta Ranjan Dash, J]

[Partha Sarathi Sen, J]