

15 27.12.2023
rkd/ Ct. No.08
cp

C.R.M. (A) No. 5747 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amherst Street** P.S. Case No. **275 of 2023** dated **08/12/2023** under Sections **498A/304B** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: - Susanta Chakraborty @ Laltu

....petitioner.

Mr. Rajdeep Mazumder,
Mr. Moyukh Mukherjee,
Mr. Pritam Roy,
Mr. Soewel Bhattacharya

...for the petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Jayashree Partra

....for the defacto complainant.

Mr. Swapan Kumar Banerjee,
Ms. Rita Datta

...for the State.

The learned counsel for the petitioner has submitted that there are no ingredients of offence punishable under Section 304B of the Indian Penal Code, as the marriage took place more than seven years ago. Moreover, there is nothing incriminating against the petitioner and as such, he may be granted anticipatory bail on any condition.

The learned counsel has further pointed out that before the attending doctor, the victim narrated that she accidentally caught fire when she was cooking. The learned counsel has further pointed out that the petitioner himself took the victim to the concerned hospital. It is further submitted that the treatment has been covered by the medical insurance, which would indicate that there was no foul play. All these are sufficient grounds for granting anticipatory bail.

The learned counsel for the defacto complainant has submitted that even if the case does not come under Section 304B of the Indian Penal Code, Section 302 of the Indian Penal Code is applicable. There are sufficient materials which show the involvement of the petitioner in the commission of the offence. He prays for rejection of the prayer for anticipatory bail.

The learned counsel for the State has submitted that there are sufficient incriminating materials in the case diary against the present petitioner. Moreover, the present petitioner is absconding and, as such, the investigation could not be concluded. He prays for rejection of the prayer for anticipatory bail.

We have considered the case diary and other materials on record.

After going through the materials on record, it appears that the investigation is at its nascent stage. Moreover, there are sufficient materials in the case diary which does not inspire us to allow the prayer for anticipatory bail.

Accordingly, the application being **CRM (A) 5747 of 2023** stands rejected.

(Apurba Sinha Ray, J.)

(Shampa Sarkar, J.)