

26.04.2024
Item No.8
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1466 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nandakumar** Police Station Case No. **202/2023** dated **07.06.2023** under Sections **447/323/307/302/34** of the Indian Penal Code.

And

In the matter of : Tapan Pal & anr.
..... petitioners

Mr. Amal Krishna Samanta
....for the petitioners

Ms. Anasuya Sinha, Ld. A.P.P.
Ms. Suchismita Dutta
....for the State

Md. Wasim Akram
....for the de facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated.

The de facto complainant left the matrimonial home and was residing at her paternal home. Death of the child occurred at the parental home of the de facto complainant.

Learned advocate appearing for the Sate draws the attention of the Court to the materials in the Case Diary including the Post Mortem Report of the victim.

Learned advocate for the de facto complainant refers to the order dated December 21, 2023 passed in CRM(DB) 4726 of 2023 by which, the co-ordinate Bench rejected the prayer for bail of the husband of the de facto complainant. He also refers to a General Diary lodged at the behest of his client subsequent to the police complaint. He submits that, his clients are still receiving threat from the family members of the petitioners.

Post Mortem Report of the victim suggests that, one and half year old child died due to drowning. Death occurred at the parental home of the de facto complainant.

Coordinate Bench while considering prayer for bail of the husband of the de facto complainant returned the a following finding:-

“4. We have considered the material on record. Statements of witnesses show husband and other in-laws came to the parental house of the wife. Petitioner and others held his wife. Her mother in law drowned the child.”

In view of such finding of the co-ordinate Bench, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1466 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)