

04.01.2024
Item No.125
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4577 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beliabera** Police Station Case No. **71/2023** dated **16.07.2023** under Sections **498A/304B/34** of the Indian Penal Code, 1860 and Sections **3/ 4** of the Dowry Prohibition Act.

And

In the matter of : Pravas Dey & anr.

..... petitioners

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha

....for the petitioners

Mr. Debabrata Chatterjee,
Ms. Mousumi Sarkar

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioners submits that, the husband is in custody. The petitioners before the Court are in-laws of the victim. The victim consumed poison and was alive for nine days. She did not make any dying declaration.

Learned advocate appearing of the State draws the attention of the Court to the materials in the Case Diary.

We find from the records that, the husband demanded a motor cycle and other articles as dowry. The husband as well as the present petitioners stand implicated in the crime of torture being meted out to the victim on failure of response to the demand of dowry.

Medical documents in the Case Diary suggest that victim was carrying a six months old female fetus.

Considering the gravity of the offence and the involvement of the petitioners in the incident, we are unable to extend the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4577 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)