

08.01.2024

72

Ct. No. 29

S.D.

REJECTED

C.R.M.(A) 4643 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **253** of **2023** dated **04.07.2023** under Section 498A/326/307 of the Indian Penal Code and adding Section 304B of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961.

And

In Re : Krishan Rabidas & Anr.

..... petitioners

Mr. Soupal Chatterjee

Mr. Bimal Sil

....for the petitioners

Mr. Debabrata Chatterjee, Ld. APP.,

Mr. Santanu Chatterjee

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioners were enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

We find that there are statements recorded under Section 161 of the Cr.P.C. stating that the petitioners before us along with the others in a crowd poured kerosene oil over the victim and set her on fire. There is also a document claimed to be

dying declaration of the victim which speaks of kerosene stove blast. Seizure list does not show that any kerosene blast stove was seen at the place of occurrence.

In view of the materials in the case diary implicating the petitioners in the incident of a death by burn injuries, we are unable to confirm the order dated October 16, 2023 or to grant anticipatory bail to any of the petitioners and the prayer of anticipatory bail is rejected.

The application being CRM (A) 4643 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)