

Chandra Patra & Vikash Chandra Patra vs State Of West Bengal on 24 July, 2014

Author: Jayanta Kumar Biswas

Bench: Jayanta Kumar Biswas

In the High Court At Calcutta Criminal Miscellaneous Jurisdiction Appellate Side. Present:-

The Hon'ble Mr. Justice Jayanta Kumar Biswas.

and The Hon'ble Mr. Justice Sahidullah Munshi CRM No.7537 of 2014 Badal Patra, Prashanta Patra @ Prasanta Patra, Prakash Patra, Akash Patra, Bivash Chandra Patra & Vikash Chandra Patra.

v.

State of West Bengal

Mr. Sanjay Banerjee	
Mr. Avik Ghatak	
Mr. Md.Apjal Ansari	... for the petitioners.
Mr. P.K.Dutta	
Mr. Santanu Deb Roy	... for the State.

Heard on :- July 24,2014.

Order on :- July 24, 2014.

Jayanta Kumar Biswas, J:- The six petitioners in the CRM saying that they are apprehending arrest in connection with Asansol(North) P.S.Case No.110 of 2014 dated April 1,2014 under ss.448/323/325/427/379/ 363/306/34 IPC are seeking bail under s.438 CrPC.

Advocate for the petitioners has submitted as follows. The first petitioner's daughter was married to the deceased Raju. The girl committed suicide on March 29,2014. Raju was arrested by the police and he committed suicide while in police custody on March 31,2014. Consequently Raju's mother instituted the case implicating almost all the members of two families - the Pauls and the Patras. The petitioners cannot be held responsible for Raju's death. There is no material to support a case under s.379. As to s. 363, the first petitioner, Raju's father in-law and the grand-father of Raju's

child, was lawfully entitled to take the child's custody. The Court of Session has granted anticipatory bail to three accused. The first petitioner is a cancer patient and there is a substantial alibi plea. In view of the anticipatory bail of the court below to accused facing same accusations, the petitioners are entitled to equality benefit.

Mr. Dutta appearing for the State has produced the case diary and referred to the materials therein. He produced the case diary earlier on July 15, 2014 when the CRM was heard at length. The medical papers in the case diary reveal that Raju was admitted to hospital because of several injuries he had sustained. The accusations are that in hospital the accused in the case together beat Raju severely, and that after Raju was arrested, the accused in the case came to Raju's house, destroyed properties and kidnapped Raju's child. Raju committed suicide while he was in hospital - taken by the police that had arrested him.

Having regard to the case diary materials and the nature of the accusations, we are of the opinion that it is not a case for anticipatory bail. Ailment of the first petitioner is no ground to grant him anticipatory bail when the materials in the case diary support the accusations against him. Anticipatory bail to any accused by the Court of Session cannot entitle the petitioners to equality benefit from this court. The materials reveal involvement of all the petitioners in the incident in which Raju sustained several injuries and also in the incident in which properties at Raju's house were destroyed and Raju's son was kidnapped.

For these reasons, we dismiss the CRM. Certified xerox.

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(Jayanta Kumar Biswas, J)

(Sahidullah Munshi, J)