

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

22.08.2019.
156.
as
(Partly
Allowed).

C.R.M. 683 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.08.2019 in connection with Malbazar P. S. Case No.234 of 2019 dated 30.06.2019 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Safikul Islam & Ors.

... Petitioners.

Mr. Biswarup Roy.

...for the Petitioners.

Mr. Kallol Acharjee,
Ms. Namrata Das.

.....for the State.

Leave is granted to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they are in-laws of the victim housewife and have been falsely implicated in the instant case. It is also submitted that the principal accused i.e. the husband is in custody.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners along with the husband of the victim housewife tortured her

and compelled her to commit suicide within three years of marriage.

Having considered the materials on record and in view of the prima facie role of the petitioner Nos.1 and 2 i.e. the parents-in-law of the victim housewife in torturing her resulting in her unnatural death within three years of marriage and in view of the gravity of the offence, this is not a fit case to grant anticipatory bail to the petitioner nos.1 and 2.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 2 is rejected.

However, in view of the submission that the petitioner no.3 is a 19 year old girl and as we are of the opinion that the possibility of her role in the torture of the victim housewife is highly unlikely and no overt act of torture has been attributed to her, we are inclined in granting anticipatory bail to the petitioner no.3.

Accordingly, we direct that in the event of arrest the petitioner no.3, viz., Sherina Akter Banu @ Selima Begam shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the

petitioner No.3 shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)