

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

29.08.2019
tkm/ct 1
sl no. 63

C.R.M. 829 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 27.8.2019 in connection with Mal P.S case no. 238 of 2019 dated 3.7.2019 under sections 498A/302/34 of the IPC read with section 3/4 of the DP Act

And

Allowed

In Re : Baiju Das & Anr. petitioners

Mr. Kallal Ghosh

..... for the petitioners

Mr. S. Chatterjee

Mr. B. Roy

..... for the State

It is submitted that the victim committed suicide due to agonizing pain out of chronic ailments. It is further submitted that the incident occurred seven years after marriage. Petitioners are the in-laws of the victim housewife.

Learned lawyer for the state opposes the prayer for anticipatory bail and submits that the victim housewife was tortured and was compelled to commit suicide.

We have considered the materials on record. We note that the incident occurred seven years after marriage and the statutory presumptions under section 113A and 113B of the Evidence Act are not attracted in this case. It is a matter to be decided at the appropriate stage of the proceeding whether the conduct of the petitioners contributed to the suicide of the deceased housewife or not.

Keeping in mind the aforesaid facts and the extent of complicity of the petitioners in the alleged crime, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the

satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 829 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)