

13.10.2020
tkm
sl no. 24

**C.R.M. 2691 of 2020
(via video conference)**

Allowed

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Habibpur P.S case no. 347 of 2019 dated 19.10.2019 under sections 498A/306/34 of the Indian Penal Code

And

In Re : Mitu Rani Goldar @ Ritu Rani Golder & Anr.

..... petitioners

Mr. Kallol Mondal
Mr. M A Sk

..... for the petitioners

Mr. Arijit Ganguly
Mr. S K Dan

..... for the State

It is submitted on behalf of the petitioners that petitioner no. 2, brother-in-law of the victim housewife, ordinarily resides at Pune and was not present at the place of occurrence. Petitioner no. 1 is the mother-in-law of the victim and did not play any role in the matrimonial life of the victim.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim housewife was tortured by her in-laws and committed suicide within three years of marriage.

Having considered the materials on record and keeping in mind the prima facie involvement of petitioner no. 1, mother-in-law of the victim housewife, in subjecting the latter to torture resulting in her unnatural death within three years of marriage, we are of opinion that this is not a fit case to grant anticipatory bail to her.

However, the allegation of torture against petitioner no. 2, brother-in-law of the victim, is to be assessed in the backdrop of the submission that he ordinarily resides at Pune and was not

present at the place of occurrence. In view of such circumstance, we are inclined to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the petitioner no. 2 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 also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM 2691 of 2020 is disposed of.

(Moushumi Bhattacharya, J.)

(Joymalya Bagchi, J.)