

15.09.2020
Sl. No.30
akd
[PARTLY
ALLOWED]

C. R. M. 6505 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.09.2020 in connection with Falakata Police Station Case No. 146 of 2020 dated 16.04.2020 under Sections 498A/304B of the Indian Penal Code.

And

In Re: **Shyma Adhikari @ Shyma Barman & Anr.**

... .. Petitioners

Mr. Hillol Saha Podder .. Advocate

... .. for the petitioners

Mr. Aditi Sankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. Ujjwal Luksom .. Advocate

... .. for the State

Having considered the materials on record and bearing in mind the general and omnibus nature of allegations in the light of the submission that the petitioner no.1 i.e. married sister-in-law did not ordinarily reside at the matrimonial home of the victim-housewife, we are of the opinion that custodial interrogation of the petitioner no.1 is not necessary in the facts of the present case and she may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.1 namely **(1) Shyma Adhikari @ Shyma Barman**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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.

However, in view of the prima facie involvement of the petitioner no.2 i.e. mother-in-law of the victim-housewife in subjecting her to torture who suffered unnatural death within three years of marriage, we are not inclined to grant anticipatory bail to her.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no. 2 namely, **(2) Sandamani Barman** is rejected.

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

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)