

13.10.2020
Sl. No.32
akd
[PARTLY
ALLOWED]

C. R. M. 7451 of 2020 [via video conferencing]
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.09.2020 in connection with Santipur Police Station Case No. 347 of 2020 dated 10.08.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re: **Kasem Mondal & Ors.**

... .. Petitioners

Mr. Angshuman Chakraborty .. Advocate

... .. for the petitioners

Ms. Faria Hossain .. Advocate

Ms. Baisali Basu .. Advocate

... .. for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. It is further submitted that petitioner no.3 i.e. sister-in-law of the victim-housewife is pregnant.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

Having considered the materials on record disclosing prima facie involvement of the petitioner nos.1 & 2 in subjecting the victim-housewife to torture resulting in her unnatural death within 2¹/₂ years of marriage, we are of the opinion that this is not a fit case to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the accused/petitioner nos.1 & 2 namely, **(1) Kasem Mondal & (2) Hanif Mondal** is rejected.

However, in view of the extent of complicity of the petitioner no.3 i.e. sister-in-law of the victim-housewife in the alleged crime and as she is in the family way, we are inclined to preserve her personal liberty. Hence, we are inclined in granting anticipatory bail to her.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.3 namely **(3) Khadija Khatun @ Aijan Bibi**, 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.

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.

(Moushumi Bhattacharya, J.)

(Joymalya Bagchi, J.)