

17.11.2020
SL No.36
Court No.12
Jks & sb
(Allowed)

CRM 7831 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Falakata** P.S. Case No.**85/2020** dated **04.03.2020** under Sections 498A/304B of the Indian Penal Code.

And

In the matter of: **Smt. Usha Mondal & Ors.**

....Petitioners.

Mr. Arnab Saha

...for the Petitioners.

Mr. A. S. Chakraborty

Mr. U. Luksom

Mr. B. Roy

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

This is an application for anticipatory bail. The petitioner nos.1 and 2 are the mother-in-law and father-in-law of the deceased and the petitioner no.3 is the husband of the deceased. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the alleged offence.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioners.

It is submitted that the wife of the petitioner no.3 died within 4 months of the their marriage. She had committed suicide as she could not bear the torture of the in-laws.

Learned counsel for the State has relied upon the statement recorded under Section 161 of the Cr.P.C. of the independent witness showing involvement of the petitioner no.3/husband.

Considering the materials available on record and the extent of complicity of the petitioner no.1 in the alleged offence, we are of the opinion that the custodial interrogation of the petitioner no.1 is not required, however the prayer for anticipatory bail of the petitioner nos.2 and 3 is refused.

In the event of arrest, the petitioner no.1 shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with one surety to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973. It is directed that the petitioner no.1 must cooperate with the Investigating Officer.

Accordingly, the application for anticipatory bail being CRM 7831 of 2020 is partly allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)