

20.10.2020
Sl. No.130
akd
[ALLOWED]

C. R. M. 8180 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 162 of 2020 dated 26.05.2020 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: **Sarat Maiti & Anr.**

... .. Petitioners

Mr. Amitabha Karmakar .. Advocate

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Parthapratim Das .. Advocate

Mrs. Manasi Roy .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that they are the in-laws of the victim-housewife and did not play any role in the alleged incident. It is further submitted that the incident occurred twenty years after marriage.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim is a widow and was tortured by the petitioners, As a result, she committed suicide.

We have considered the materials on record including the memorandum of evidence. The victim did not leave behind any suicide note implicating the petitioners. Whether the conduct of the petitioners would constitute abetment to suicide or not may be assessed at the appropriate stage of the proceeding in accordance with law. Keeping in mind the aforesaid facts, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely (1) **Sarat Maiti**, (2) **Niranjan Maiti** & (3) **Bimala Maiti**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)