

03 21.10.2020
rkd Ct. No.03
(Allowed)

C.R.M. 8344 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rampurhat** P.S. Case No. **266 of 2020** dated **07/08/2020** under Sections **306/34** of the Indian Penal Code.

And

In the matter of: Nitai Mondal & Anr.

....petitioners.

Mr. A. Salam

...for the petitioners.

Mr. I. Ali,

Mr. S. Roy

...for the State.

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.

It is submitted on behalf of the petitioners that the incident occurred 15 years after marriage.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the victim was tortured. As a result she committed suicide.

We have considered the materials on record including the statement of the minor daughter. Although there are general allegations of torture, statutory presumption under Section 113A of the Evidence Act is not attracted in the facts of the case. In view of the aforesaid fact, we are inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- 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.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)