

07.12.2020.

48.

as

(Allowed).

C.R.M. 9812 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murarai P. S. Case No.110 of 2020 dated 16.11.2020 under Sections 498A/306/34 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act.

In the matter of : Iunosa Momin @ Younus Momin.
... Petitioner.

Mr. Bitasok Banerjee,
Mr. Biswajit Mitra.
...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta.
.....for the State.

Mr. R. Ghosh.
...for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

Petitioner is the brother-in-law of the victim housewife. It is submitted that the incident occurred 18 years after marriage.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim committed suicide 15 years after marriage.

We have considered the materials on record. We note that the incident occurred 15 years after marriage and the statutory presumption under Section 113A of the Evidence Act is not attracted.

In view of the aforesaid facts and the extent of complicity of the petitioner in the alleged crime, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioner, viz., Iunosa Momin @ Younus Momin shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)