

10.12.2020
tkm/ct 28
sl no. 63

**C.R.M. 10140 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Daspur P.S case no. 126 of 2020 dated 14.4.2020 under sections 498A/302/304B/34 of the Indian Penal Code

And

Allowed

In Re : Ramapada Samanta & Ors. petitioners

Mr. A Karmakar

..... for the petitioners

Mr. Anwar Hossain

Ms. Ratna Ghosh

..... for the State

It is submitted on behalf of the petitioners that the victim had married the son of petitioner no. 1 and 2 pursuant to a love affair. Both the families were not supportive of the matrimonial tie. As a result, the victim housewife committed suicide by consuming poison.

Learned lawyer for the State opposes prayer for anticipatory bail and submits that the victim was forced to consume poison and section 302 IPC has also been added to the FIR.

We have examined the statements of witnesses. There is no evidence showing that the petitioners administered poison to the victim housewife. On the other hand, allegations in the FIR show that the couple had married against wish of their respective families.

The aforesaid fact probalises the submission of the petitioners that the victim may have committed suicide out of depression due to non-acceptance. However allegation of torture owing to non-payment of dowry demand in the factual backdrop

appears to be an embellishment. Such allegations require to be assessed at the appropriate stage of the proceeding.

In view of the aforesaid facts, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that 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 being CRM 10140 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)