

10.12.2020
tkm/ct 28
sl no. 64

C.R.M. 10142 of 2020
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chakdaha P.S case no. 307 of 2020 dated 27.10.2020 under sections 498A/304B/34 of the Indian Penal Code

And

Allowed

In Re : Mashlem Mallik & Anr.

..... petitioners

Mr. S Ghosh

..... for the petitioners

Mr. S G Mukherjee

Ms. S Santra

..... for the State

Petitioner no. 1 is the uncle in law of the victim housewife and petitioner no. 2 is the wife of petitioner no. 1. They reside in a different village and did not play any role in the matrimonial life of the couple.

Learned lawyer for the State opposes prayer for anticipatory bail and submits that the husband and other in-laws including the petitioners tortured the victim housewife who committed suicide within two years of marriage. Prayer for anticipatory bail of sister in law of the victim housewife was turned down by a co-ordinate bench of this court.

Allegation of torture of the housewife has been made against all the accused persons including the petitioners. However, veracity of such allegation against the petitioners is to be assessed in the light of the fact that the petitioners did not ordinarily reside at the matrimonial home of the victim housewife unlike other accused persons including the sister in law whose prayer for anticipatory bail was turned down by this court.

In view of extent of complicity of the petitioners in the alleged crime and as they stand on a different footing from the co-accused whose prayer for anticipatory bail has been turned down as aforesaid, 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 10142 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)