

10.12.2020
tkm/ct 28
sl no. 69

**C.R.M. 10151 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Islampur P.S case no. 528 of 2020 dated 22.9.2020 under sections 498A/304B/34 of the Indian Penal Code

And

Allowed

In Re : Milon Shaikh & Ors.

..... petitioners

Mr. Sekhar Kr. Basu, Sr. Adv
Mr. H Mustafi
Mr. D Kar
Mr. S Chowdhury

..... for the petitioners

Mr. N P Agarwal
Mr. Protick Bose

..... for the State

It is submitted on behalf of the petitioners that the victim housewife was suffering from mental depression and was under medication.

Learned lawyer for the State opposes prayer for anticipatory bail and submits that the victim was subjected to torture over demand of dowry and finally committed suicide within six years of marriage.

We have considered the statements of witnesses including the statement of victim under section 164 Cr.P.C. Allegation of torture over dowry is to be assessed in the light of the submission that the victim housewife was suffering from mental depression and was medically treated. Documents have been annexed with regard to such treatment. That apart, petitioner no. 1 is a member of Border Security Force and was posted at Rajasthan at the time of occurrence. Petitioner no. 3 is a married sister in law who did

not ordinarily reside at the matrimonial home of the victim housewife.

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 10151 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)