

11.12.2020.
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as
(Partly
Allowed)

**C.R.M. 10260 of 2020
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hasnabad P.S. Case No.463 of 2020 dated 18.07.2020 under Sections 498A/304B/302/34 of the Indian Penal Code.

In the matter of : Sanat Mandal & Ors.

... Petitioners.

Mr. Rahul Das,
Mr. Surajit Basu.

...for the Petitioners.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Aniket Mitra.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is contended that the petitioners have been falsely implicated in the instant case. Petitioner no.3 is the married sister-in-law and did not ordinarily reside in the matrimonial home of the victim housewife.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Statements of witnesses disclose prima facie involvement of the petitioner nos.1 and 2 in torturing the victim. Hence, we are not inclined to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 2 is rejected.

However, allegation of torture at the behest of the petitioner no.3 requires to be assessed in the light of the

submission that she did not ordinarily reside at the matrimonial home. There is no direct evidence that she was present at the place of occurrence also.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner No.3.

Accordingly, we direct that in the event of arrest the petitioner, viz., Anita Mondal 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.)