

14.12.2020
tkm/ct 28
sl no. 133

**C.R.M. 10280 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Uluberia P.S case no. 42 of 2020 dated 15.1.2020 under sections 498A/302/34 of the Indian Penal Code and amendment to section 498A/306/34 IPC

And

Allowed

In Re : Golam Rasul Haldar & Ors. petitioners

Mr. M K Kayal

..... for the petitioners

Ms. F Hossain

Mr. Subrato Roy

..... for the State

Heard the learned advocates appearing for the respective parties.

It is submitted on behalf of the petitioners that they are not the principal accuseds and the incident occurred 16 years after marriage.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the husband of the petitioner had married for the second time. Victim housewife was tortured and she committed suicide.

Statements of witnesses show there was general ill-treatment upon the victim-housewife. Whether such torture would amount to abetment of suicide may be assessed in view of the fact that the incident occurred 16 years after marriage and statutory presumption under section 113 A of the Evidence Act is not attracted. Second marriage *per se* would not amount to abetment of suicide.

Under such circumstances, 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 10280 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)