

17.12.2020
tkm/ct 28
sl no. 178

**C.R.M. 10483 of 2020
(via video conference)**

Allowed

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baduria P.S case no. 133 of 2020 dated 17.3.2020 under sections 498A/306/34 of the IPC

and

In Re : Majeda Bibi @ Mazida Bibi petitioner

Mr. S Basu

..... for the petitioner

Mr. T K Ghosh

Ms. Sima Biswas

..... for the State

Supplementary affidavit is placed on record.

Petitioner is the married sister in law of the victim housewife and did not ordinarily reside at the matrimonial home of the victim. Incident occurred 14 years after marriage.

Allegation of torture may be assessed in the light of the aforesaid submission made on behalf of the petitioner. Statutory presumption under section 113 A of the Evidence Act is not attracted in the facts of the case.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioner 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 also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM 10483 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)