

21.12.2020
159
Sdas
allowed

**CRM 10527 of 2020
(via video conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Barasat P.S. Case No. 251 of 2020 dated 04.06.2020 under Sections 498A/307/34 of the Indian Penal Code added Section 302 of the Indian Penal Code.

And

In the matter of : Madhu @ Madhumita Duttapetitioner.

Ms. Minoti Gomes
Ms. Manika Sarkar

...for the petitioner.

Mr. S. G. Mukherjee, learned P.P
Mr. Aniket Mitra

...for the State.

Learned Counsel appearing for the petitioner submits that the petitioner is the sister-in-law of the victim housewife. The incident occurred 11 years after marriage.

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

We have considered the materials on record including dying declarations of the victim. First dying declaration states the petitioner and other relations tortured her. Unable to bear such torture, she committed suicide. However, subsequent dying declaration states her husband set her on fire.

In view of the aforesaid dichotomy with regard to the involvement of the petitioner in the alleged crime and as the incident occurred 11 years after marriage and statutory presumptions under Sections 113A and 113B of the Evidence Act are not attracted in the facts of the case, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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.

The application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)