

14.01.2020.
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as
(Allowed).

C.R.M. 34 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2020 in connection with Falakata P.S. Case No.687 of 2019 dated 03.12.2019 under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Asmat Sai & Anr.

... Petitioners.

Mr. Navanil De,
Mr. Rajeshwar Chakrabarty,
Ms. Natasa Asad,
Mr. Debaroti Ray.

...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that the incident occurred 8 years after marriage. They are the in-laws of the victim housewife and have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim was tortured over demands of dowry and suffered unnatural death.

Having considered the materials on record and keeping in mind the nature of allegations particularly the findings in the post

mortem report disclosing asphyxial death by hanging and as the incident occurred 8 years after marriage and the statutory presumptions under Sections 113A and 113B of the Evidence Act are not attracted in this case, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)