

75 10.01.2020
ss Allowed

C.R.M. 288 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 09.01.2020 in connection with Bhaktinagar P.S. Case No. 758 of 2019 dated 24.09.2019 under section 306 of the Indian Penal Code.

And

In the matter of : Jyotirmoy Banik @ Bapi

Ms. Madhushri Dutta Majumdar

... .. for the petitioner

Mr. Shiladitya Banerjee

... .. for the State

It is submitted on behalf of the petitioner that the incident occurred after eight years of marriage.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that the housewife committed suicide after eight years of marriage and as statutory presumption under section 113A of the Evidence Act is not attracted in the facts and circumstances of the case, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct in the event of arrest the petitioner shall 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 subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)