

49 07.02.2020
rkd Ct. No.28
(Allowed)

C.R.M. 1307 of 2020

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **05/02/2020** in connection with **Kharibari** P.S. Case No. **298 of 2019** dated **07/10/2019** under Section **498A/306/304B** of the Indian Penal Code.

And

In the matter of: Nirmal Mahanta & Anr.

....petitioners.

Mr. S. De,
Ms. S. Mukherjee

...for the petitioners.

Mr. Rudradipta Nandy

...for the State.

Liberty to correct the cause title.

It is submitted on behalf of the petitioners that they are the parents-in-law of the victim housewife and reside separately in an Ashram. Principal accused i.e. the husband is on regular bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that victim housewife was tortured by the petitioners and her husband and was compelled to commit suicide within three years of marriage.

Having considered the materials in the case diary and keeping in mind the nature of allegations in the light of the submission that the petitioners ordinarily did not reside the matrimonial home and as the principal accused i.e. the husband is on regular bail, we are inclined to grant anticipatory bail to the petitioners.

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. Petitioners shall appear before the Investigating Officer and hand

over their passports, if any, within four weeks from date. In the event they do not have passports, they shall personally appear before the Investigating Officer and furnish affidavits to that effect within the time frame mentioned hereinabove.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)