

15.09.2021
Item no.46
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 2486 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Raghunathganj Police Station Case No. 258 of 2020 dated 06.06.2020 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of : Anima Mondal & Another.

.....Petitioners.

Mr. Tapodip Gupta, Advocate,
.....for the Petitioners.

Mr. Bidyut Kr. Roy, Advocate,
Ms. Rita Dutta, Advocate,
.....for the State.

The petitioners are the daughter-in-law and son, respectively, of the victim lady. Initially, Sections 498A/302/34 of the Indian Penal Code were pressed into service. We are told that charge-sheet has been filed under Section 306 of the Indian Penal Code.

The victim committed suicide about 30 years after marriage. The allegation is that the husband and the son as well as the daughter-in-law used to torture her and treated her with cruelty. This prompted her to commit suicide.

We have seen the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We find, prima facie that there are no such allegations in the statements as would persuade us to prima facie form the opinion that the petitioners were instrumental in driving the victim to kill herself. The victim's husband has been granted bail by the learned Trial Court.

On an overall assessment of the facts and circumstances of the case and the extent of possible complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioners namely **Anima Mondal and Saradindu Mondal @ Dilkhos Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2486 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)