

13.12.2021

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Allowed

**C.R.M. 3235 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 176 of 2020 dated 23.06.2020 under Sections 498A/304/34 of the Indian Penal Code.

And

In Re : Chotu Ghorui & Anr. petitioners

Mr. Pintu Karar

.....for the petitioners

Mr. Tanmay Kumar Ghosh

Mr. Arindam Sen

....for the State

We have considered the materials on record. Allegations of torture are general and omnibus in nature. The incident occurred 12 years after marriage. Statutory presumptions under Section 113A or 113B of the Evidence Act are not attracted in the facts of the case. Victim died due to hanging and charge-sheet has been filed for the offence under Section 306 of the Indian Penal Code.

In view of the aforesaid facts, we are of the opinion that as custodial interrogation of the petitioners is not necessary they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 and on further conditions that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)