

14.12.2021
cm/ct 28
sl no. 97

C.R.M. 5843 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Patuli P.S Case No. 188 of 2020 dated 30.10.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

Allowed

In Re : Anowar Hossain Sekh@ Anwar Khan & Anr.
..... petitioners

Mr. Arindam Jana
Mr. Prithish Bandyopadhyay
..... for the petitioners

Md. Kutub Uddin
..... for the State

It is submitted on behalf of the petitioners that they are the in-laws of the victim housewife and did not reside in the matrimonial home of the couple. They have been falsely implicated in the instant case. Victim committed suicide at her parental home.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that petitioners and other accused persons subjected the victim to torture. As a result, she committed suicide within one and half years of the marriage.

We have considered the materials on record. Allegation of torture by the petitioners is to be assessed in the light of the aforesaid submission that the petitioners did not ordinarily reside at the matrimonial home of the deceased. She committed suicide at her parental home. In view of the aforesaid facts, we are of the opinion petitioners may be granted pre-arrest 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/- 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 court below and pray for regular bail within two weeks from date.

The application being CRM 5843 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)