

C.R.M. 7119 of 2021

In Re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Matia P.S. Case No.419 / 2021 dated 12.10.2021 under sections 498A/302/34 of Indian Penal Code.

And

In the matter of : Smt. Aajamira Mandal & ors.

...Petitioners.

Mr. Nilendu Bhattacharya,
Mr. Shatarup Purkayastha,
Mr. Arka Chakraborty ... for Petitioners.

Mr. N. P. Agarwala,
Mr. S. Kundu ...for State.

The petitioner no.1 is the sister-in-law of the deceased. The petitioner no.2 is the mother-in-law of the deceased and aged about 61 years. The petitioner no.3 is the brother-in-law of the deceased. FIR has been registered against the petitioners, inter alia, under Sections 498A/302/34 of Indian Penal Code. This Court has perused the case diary and the complaint of the sister of the deceased dated 12th October, 2021.

The substance of the allegation in the complaint is that the husband of the deceased had an extra-marital affair which caused a lot of discord with the deceased wife. There is a statement, albeit of a six years old child, that the victim was killed by the father / husband.

There are no allegations against the petitioners, who are in-laws, except the stray sentences in the last few lines of the third paragraph of the FIR.

No specific instances of torture or dowry demand are evident. The deceased and the principal accused have been married for about nine years.

Having considered the case diary and having heard the parties, this Court is of the view that the petitioners are entitled to anticipatory bail.

In the event of arrest, the petitioners, (1) Smt. Aajamira Mandal, (2) Smt. Aamchuria Bibi Mondal and (3) Saiful Mondal, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) only each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Sections 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioners shall meet the investigating officer once a week until further orders.

C.R.M. 7119 of 2021 is allowed.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Rajasekhar Mantha , J.)

(Kesang Doma Bhutia, J.)

