

15.11.2021.

Item No. 112

ap
(Allowed)

**C.R.M. 7205 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.11.2021 in connection with Habibpur Police Station Case No. 335 of 2021 dated 25.10.2021 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In the matter of: Mrittan Mondal @ Mritunjoy Mondal & Ors.
...Petitioners

Ms. Jeenia Rudra,
Ms. Sahili Dey. ...For the petitioners

Mr. Bidyut Kumar Roy,
Ms. Rita Datta.For the State

Mr. Dipayan Kundu,
Mr. Avinaba Patra. ..For the de facto complainant.

The petitioner no.1 is the husband of the victim housewife, while the petitioner no.2 is her mother-in-law. The petitioner no.4 is the married sister-in-law and the petitioner no.3 is her husband.

It is contended that petitioner no.1 used to ordinarily reside in a different city in connection with his employment and was not present in or around the date of incident. It is further contended that the petitioner no.4 being the married sister-in-law, ordinarily used to reside at her matrimonial home with her husband i.e. the petitioner no.3 herein and they did not play any role in the matrimonial life of the victim housewife. It is also contended that they have been falsely roped in this case out of grudge.

Learned Lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners had

tortured the housewife and compelled her to commit suicide within 1½ years of marriage.

Learned Lawyer for the de facto complainant submits that the petitioners had murdered the victim housewife and tried to pass off the incident as a suicide.

We have considered the materials on record. We note neither the petitioner no.1, i.e. the husband, nor the petitioner nos.4 and 3 i.e. married sister-in-law and her husband were present at the matrimonial home on the date of the incident.

No doubt there are certain statements that they also used to torture the victim housewife, however, there is no material to show that soon before the incident they had played any role in the torture, which resulted in the unnatural death. Post mortem report shows that the victim housewife had died due to hanging.

In view of the aforesaid facts, we are of the opinion that there are prima facie materials showing that the petitioner no.2, mother-in-law, Sumitra Mondal, had tortured the victim housewife soon before her unnatural death. Hence, we are not inclined in granted anticipatory bail to her.

However, in view of the extent of complicity of the petitioner no.1, husband, Mrittan Mondal @ Mritunjoy Mondal, and the married sister-in-law, Kanika Mondal Biswas the petitioner no.4 and her husband, Naresh Biswas, the petitioner no.3 in the alleged crime, we are inclined in granting anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioner nos.1, 3 and 4, namely, Mrittan Mondal @ Mritunjoy Mondal, Naresh Biswas and Kanika Mondal Biswas shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)