

17.12.2021
SL No.55
Ct. 28
Saswata

CRM 7970 of 2021

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure filed in connection with **Gangarampur** P.S. Case No. **318/2021** dated **19/08/2021** under Sections **498A/307/109/306/34** of the Indian Penal.

And

In the matter of: **Mahadeb Sutradhar & Ors.**

....Petitioners

Mr. Sayan de
Mr. Sayan Kanjilal
Mr. Kaustuv Shome

...for the Petitioners

Mr. N. P. Agarwala
Mr. Ashok Das

...for the State.

It is submitted on behalf of the petitioners that they are the in-laws of the victim housewife and did not play any role in her matrimonial life. Incident occurred 19 years after marriage.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Incident occurred 19 years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted in the facts of the instant case. Under such circumstances, we are of the opinion that the petitioners may be granted anticipatory bail. The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioners be released on 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

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

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)