

17.12.2021
tkm/ct 28
sl no. 67

C.R.M. 8040 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sankrail P.S case no. 101 of 2021 dated 7.11.2021 under sections 498A/304B/302/34 of the Indian Penal Code

And

Allowed

In Re : Sunil Sahu & Anr.

..... petitioners

Mr. S Das Mahapatra

..... for the petitioners

Mr. Arijit Ganguly

Mr. S K Dan

..... for the State

It is submitted on behalf of the petitioners that petitioner no. 2 is the married sister-in-law of the victim housewife and petitioner no. 1 is her husband. They resided at Kharagpur and did not play any role in the matrimonial life of the deceased housewife.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the deceased committed suicide within 1½ years of marriage.

We have considered the materials on record. Allegation of torture by the petitioners requires to be assessed in the light of the circumstances that they did not ordinarily reside at the matrimonial home of the deceased and used to reside elsewhere.

In view of the extent of complicity of the petitioners in the alleged crime, we are of the opinion custodial interrogation of the petitioners is not necessary and 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/- 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 four weeks from date.

The application being CRM 8040 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)