

17.12.2021
cm/ct 28
sl no. 112

CRM 8223 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Hanskhali P.S Case No. 555/2021 dated 03.08.2021 under Sections 498A/304B/34 of the Indian Penal Code.

And

Partly Allowed

In Re : Sunita Sharma & Anr.

..... petitioners

Mr. Prabir Majumder

..... for the petitioners

Mr. Binoy Panda

Mr. Subham Bhakat

..... for the State

It is submitted on behalf of the petitioners that petitioner No.1 is the mother-in-law of the deceased housewife, while petitioner No.2 is her married sister-in-law. Petitioner No.2 does not ordinarily reside at the matrimonial home of the deceased.

Learned lawyer for the state opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses disclosed torture by petitioner No.1 upon the housewife who suffered unnatural death within two years of marriage. Hence we are not inclined to grant pre-arrest bail to her.

However, allegation of torture by petitioner No.2 requires to be assessed in the light of the submission that she did not ordinarily reside at the matrimonial home of the victim. In view of such fact, we are inclined to grant pre-arrest bail to her.

Accordingly, we direct that in the event of arrest, the petitioner No. 2 shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

Petitioner No. 2 shall appear before the court below and pray for regular bail within two weeks from date.

The application being CRM 8223 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)