

21.12.2021
Item no.38.
Court No.28.
AB

(Via Video Conference)

CRM No. 8329 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No.857 of 2021 Dated 1.10.2021 under Sections 498A/302 of the Indian Penal Code read with Section 3 /4 of the D. P. Act

And

In the matter of : Nahar Bibi @ Nahor @ Nahar & Anr.

.....Petitioners.

Mr. Kaustav Bagchi,
Mr. Arup Sarkar,
Mr. Debayan Ghosh for the Petitioners.

Ms. Faria Hossain,
Mr. Anand Keshri for the State.

It is submitted on behalf of the petitioners that they are the mother-in-law and sister-in-law respectively of the victim housewife. She committed suicide nine years after marriage.

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

We have considered the materials on record. The victim died due to hanging which appears to be suicidal as per the nature of ligature noted in the post mortem report. The incident occurred nine years after marriage. Allegations are general and omnibus in nature. Hence, statutory presumptions under

Sections 113A and 113B of the Evidence Act are not attracted in the facts of the case.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) 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 and on further conditions that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)