

25.03.2022
cm/ct 28
sl no. 4

C.R.M. (A) 1373 of 2022

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nabadwip P.S Case No. 90 of 2022 dated 09.03.2022 under Sections 498A/304B/34 of the Indian Penal Code and sections 3 / 4 of Dowry Prohibition Act.
And

Partly Allowed

In Re : Tapas Debnath & Ors.

..... petitioners

Mr. Sabir Ahmed
Mr. Mujibar Ali Naskar

..... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Aniket Mitra

..... for the State

It is submitted on behalf of the petitioners that victim lady had a previous marriage with one Pradip Das. Suppressing such fact, she had been given in marriage to petitioner No.1. After marriage, she ran away with Pradip and a missing diary was registered by her mother. Out of depression, she committed suicide. Petitioners have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner No.1 husband had demanded money for his business and over such demand victim housewife was tortured. Consequently she committed suicide. Petitioner No.1 has criminal antecedents and had been earlier implicated in a similar case relating to dowry death of his former wife.

We have considered the materials on record. Petitioner No.1 has criminal antecedents. A criminal case was registered against him earlier relating to unnatural death of his former wife over dowry demands. Statement of witnesses disclose he had demanded

money from his-in-laws and subjected the victim housewife to torture over such demands. As a result, she committed suicide. In view of the aforesaid facts, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner No.1.

In so far as petitioner Nos. 2 to 6, who are in-laws of the victim housewife are concerned, allegations levelled against them are general and omnibus in nature. Keeping in mind the extent of complicity of the petitioner Nos. 2 to 6 in the alleged crime, we are of the opinion petitioner Nos. 2 to 6 may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner Nos. 2 to 6 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.

Petitioner No. 2 to 6 shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 1373 of 2022 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)