

07.06.2022
tkm/ct 28
sl no.57

C.R.M. (A) 2363 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Durgapur P.S case no. 189 dated 3.5.2022 under sections 304B/406/34 of the Indian Penal Code and section 3/4 of the DP Act

And

Allowed

In Re : Laxmi Rani Mondal & Ors. petitioners

Mr. Monish Sen
Ms. Oisni Mukherjee

..... for the petitioners

Mr. B K Roy
Ms. Sima Biswas

..... for the State

Mr. Kushal Mr. Mukherjee
Ms. Tanusree Das

..... for the de facto complainant

Petitioners are the in-laws of the victim housewife. It is contended they resided separately from the couple and did not pay any role in their matrimonial life.

Learned lawyers for the State as well as de facto complainant oppose the prayer for anticipatory bail and submits petitioners along with the husband and parents in law of the victim housewife tortured her physically. As a result she committed suicide. There are marks of injury on the body of the deceased apart from the ligature mark supporting the allegation of physical assault.

We have considered materials on record. Petitioner no. 6 is the uncle in law of the victim housewife and petitioner no. 1 is his wife. Other petitioners are the sons, daughters, son in law and other relations of petitioner no. 6. They did not reside in the matrimonial home of the couple. Allegation of torture against

them are generic and there is no material to show that the petitioners were present at the matrimonial home on the day of occurrence.

Keeping in mind the aforesaid facts and the extent of complicity of the petitioners in the alleged crime, 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/- 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 prays for regular bail within four weeks from date.

The application being CRM (A) 2363 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)