

13.06.2022
sdas
147
Partly
Allowed

CRM (A) 2613 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Keshiary Police Station Case No. 185 of 2021 dated 02.08.2021 under sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Smt. Laxmi @ Lakkhi Bhattacharya & Anr. petitioners

Mr. Arijit Dey

..... for the petitioners

Mr. Joydeep Roy
Mr. Amanul Islam

..... for the State

It is submitted by the learned Counsel appearing on behalf of the petitioners that petitioner no. 1 is the mother-in-law of the victim housewife. Petitioner no. 2 is the married sister-in-law of the said housewife.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits petitioners and other accused persons subjected to the victim to torture over demand of dowry. As a result, she committed suicide.

Having considered the materials on record prima facie disclosing involvement of petitioner no. 1 in torturing the victim housewife who committed suicide, we are not inclined to grant anticipatory bail to the petitioner no 1.

Accordingly, prayer for anticipatory bail of petitioner no. 1 is rejected.

Allegation against the petitioner no 2, married sister-in-law of the victim housewife, requires to be assessed in the light of the fact that she did not ordinarily reside in the matrimonial home of the victim. Hence, we are inclined to grant anticipatory 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, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail in so far as petitioner no. 2 concerned is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)