

14.06.2022
SI. No.96
akd
[PARTLY
ALLOWED]

C. R. M. (A) 2646 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.05.2022 in connection with Bhagwanpur Police Station Case No. 375 of 2021 dated 27.11.2021 under Sections 498A/120B/304B/302 of the Indian Penal Code.

And

In Re: ***Manash Kumar Khatua @ Manash Khatua @ Manas Kumar Khatua & Anr.***

... .. Petitioners

Mr. Dipanjan Dutta
Ms. Sanjana Saha

... .. for the petitioners

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioners they have been falsely implicated in the instant case. It is further submitted petitioner no.2 i.e. the husband used to reside at a different place owing to his employment.

We have considered the materials on record. Victim-housewife resided with her parents-in-law i.e. petitioner no.1 and his wife. In view of the aforesaid materials on record prima facie probalising the allegations against petitioner no.1 with regard to torture which resulted in commission of suicide by the victim-housewife, we are not inclined to grant anticipatory bail to petitioner no.1.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.1 namely, ***(1) Manash Kumar Khatua @ Manash Khatua @ Manas Kumar Khatua*** is rejected.

However, keeping in mind the nature of allegations and as petitioner no.2 i.e. the husband used to reside at a different place owing

to his employment and was not present on the date of the incident, we are inclined to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.2 namely **(2) Subrata Khatua**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, 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 further condition that the petitioner no. 2 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)