

16.06.2022
cm/ct 28
sl no. 149

C.R.M. (A) No. 2776 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Kulti P.S Case No.360 of 2021** dated **22.07.2021** under Sections **498A/302/34 of the Indian Penal Code read with sections 3 /4** of the Dowry Prohibition Act.
And

Allowed

In Re : Usha Devi & Ors

..... petitioners

Mr. Avik Ghatak
Mr. Aniruddha Bhattacharya
Mr. Soham De Dhara

... for the Petitioners.

Mr. S.G. Mukherjee, Ld. P.P.
Mr. Aniket Mitra

..... for the State

It is submitted on behalf of the petitioners that petitioner Nos.1 and 2 are married sister-in-law of the victim housewife and petitioner Nos. 3 and 4 are their husbands respectively. It is contended that they reside separately and did not play any role in the matrimonial life of the couple.

Learned advocate appearing for the State opposes the prayer for anticipatory bail. He submits petitioners had tortured the victim housewife who died of burn injuries within one year of marriage.

We have considered the materials on record. Allegations of torture upon the victim housewife by the petitioners requires to be assessed in the light of the submission that they did not ordinarily reside at the matrimonial home of the victim. There is no material to show that they were present at her matrimonial home on the fateful day.

In view of 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 petitioner 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 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 pray for regular bail within four weeks from date.

The application being CRM (A) No. 2776 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)