

06.07.2023
(D/L 27)
Ct. No.28
Partly allowed
(SKB)

CRM (A) 2706 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Singur Police Station Case No.126 of 2023 dated 03.04.2023 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Saddam Sk. and others

... Petitioners

Mr. Tapas Kr. Ghosh,
Mr. Tanmoy Chowdhury

... for the petitioners

Mr. Debabrata Chatterjee, ld. APP,
Mr. Santanu Chatterjee

... for the State

Petitioners submit they are the in-laws of the victim housewife. Petitioner no.1 is the brother-in-law while petitioner no.2 is the married sister-in-law and petitioner no.3 is the husband of petitioner no.2. Petitioner nos.2 and 3 reside at a different place. They have been falsely implicated over the unnatural death of the housewife. They pray for anticipatory bail.

Learned advocate for the State opposes the prayer for anticipatory bail. He submits the victim had been tortured on demand of dowry. Within three years of marriage she suffered unnatural death at the matrimonial house.

We have considered the materials on record. There are allegations of torture upon the housewife by the in-laws over demand of dowry. However, it is contended that petitioner

nos.2 and 3 were not residing at the matrimonial home of the victim.

Possibility of their falsely implication on the ground of being relations of the husband of the housewife cannot be ruled out.

Hence, we are inclined to grant anticipatory bail to petitioner nos.2 and 3.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3 be released on bail upon furnishing a bond of Rs.10,000/-(Rupees ten thousand only) 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 and on further condition that the petitioner nos.2 and 3 shall appear before the court below and pray for regular bail within four weeks from date.

Petitioner no.1 resided at the matrimonial home where the victim suffered unnatural death. He had also tortured the victim housewife. Hence we are not inclined to grant anticipatory bail.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)