

19.11.2024
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Partly
Allowed

CRM (A) 3972 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gangarampur Police Station Case No. 01 of 2024 dated 02.01.2024 under Sections 498A/304B/302/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.
And

In Re : Rahima Khatun @ Rahima Bibi & Ors. petitioners

Ms. Jeenia Rudra

..... for the petitioners

Ms. Sonali Das

Mr. Ronit Mukherjee

..... for the State

1. Heard the learned Counsels for the parties.
2. Learned Counsel for the petitioners submit petitioner no. 1 is the mother-in-law, petitioner no. 2 is the sister-in-law and petitioner no. 3 is the husband of the victim lady. It is alleged victim had committed suicide when no one was in the house. There is delay in lodging FIR. They pray for anticipatory bail.
3. Learned Counsel for the State opposes prayer for anticipatory bail and submits petitioner no. 1 had illicit relation with a neighbour. Victim had protested and was tortured. As a result she committed suicide.
4. We have considered the materials on record. Rahima Khatun @ Rahima Bibi, mother-in-law of the victim had tortured her as she protested about her relationship with

another co-accused. As a result she committed suicide. In view of the aforesaid incriminating circumstances, we are not inclined to grant anticipatory bail to the petitioner no. 1.

5. Accordingly, prayer for anticipatory bail in so far as petitioner no. 1 concerned is rejected.

6. Allegations against petitioners no. 2 and 3 are general and omnibus. They had no motive to torture the victim. Accordingly, we are inclined to grant anticipatory bail to petitioners no 2 and 3.

7. Accordingly, we direct that in the event of arrest, petitioners no. 2) Nwmehar Bibi and 3) Jasim Mia 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

8. The application for anticipatory bail in so far as petitioners no. 2 and 3 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)