

17.11.2020

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**CRM 7484 of 2020
with
CRAN 1 of 2020
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Monteswar P.S. Case No.224 of 2020 dated 25.08.2020 under Sections 306/120B/34 of the Indian Penal Code.

And

In the matter of: **Mira Khatun @ Mira Sk. @ Mira Mallick
and anr.**

....Petitioners.

Mr. Dhananjay Banerjee

...for the Petitioners.

Mr. Narayan Prasad Agarwal
Mr. Goutam Wilson

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners claim that they had no role to play in the victim committing suicide by consuming poison.

The State says that a charge under Section 302 of the Penal Code has been added on the basis of the dying declaration of the victim. The dying declaration makes out that the victim was forced to consume poison by the second petitioner herein.

Considering the material, the prayer of the second petitioner is rejected. The second petitioner, who is the uncle of the first petitioner, must have acted at the behest of the first petitioner and,

in the usual course, the first petitioner's prayer ought also to be rejected. However, it appears that the first petitioner has an infant child who needs the mother for feeding. The first petitioner is granted anticipatory bail but she will remain confined to her house and her village and will not leave the jurisdiction of Monteswar P.S. without obtaining the prior permission of the Officer-in-charge of such police station, till the investigation is completed.

Subject to above, in the event of arrest, the first petitioner will be enlarged on bail on furnishing security of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount, one of whom must be local, to the satisfaction of the Arresting Officer. The first petitioner will comply with the conditions in Section 438(2) of the Code of Criminal Procedure, 1973.

The prayer of the second petitioner is declined.

CRM 7484 of 2020 along with the interim application therein stand disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)