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4.9.2020
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C.R.M. No. 5004 of 2020

In the matter of an application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 6.7.2020 in connection with Kotwali Police Station Case No. 83 of 2020 dated 18.02.2020 under Sections 341/323/325/308/34 of the Indian Penal Code.

And

In Re : Uma Barman

... Petitioner.

Ms. Madhusshri Dutta Majumdar

...for the petitioner.

Mr. Tapan Bhattacharyya,

Mr. Anuruddha Biswas

...for the State.

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

The learned Advocate for the petitioner submits that the petitioner is innocent and has been implicated at the instance of the in-laws. He further submits that going by the nature of allegations in the complaint and the materials so collected, the custodial interrogation of the petitioner may not be required in the facts and circumstances of the case.

Mr. Bhattacharyya, learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that although there was an allegation of injury but in the postmortem report, no injury has been observed by the doctor conducting the examination. He further submits that death was due to failure of different organs.

We have taken into account the submissions of both the parties as well as the memorandum of evidence as produced by the State. On consideration of the same, we are of the opinion that the petitioner is entitled to the privilege of anticipatory bail. Accordingly we allow the prayer for anticipatory bail of the petitioner subject to the condition that :-

- i) the petitioner would surrender herself before the learned CJM, Coochbehar by 30th September, 2020.
- ii) The petitioner, in the meantime, shall meet with the Investigating Officer once a week and in case the Investigating Officer feels that the petitioner's arrest is warranted, in that case the Investigating Officer after arrest, shall release her on furnishing a bond of Rs.10,000/-(ten thousand only) with two sureties of like amount each and on condition that the petitioner should abide by the provisions of Sub-Section 2 of Section 438 Cr.P.C.

This order of anticipatory bail is valid till 30th September, 2020.

With the above observations, CRM. 5004 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)