

07.01.2021  
Item no. 2  
Ct.5  
CHC  
Allowed

**C.R.M. No.11 of 2021**

**(Physical Hearing)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No. 379 of 2020 dated 16.10.2020 under Sections 498A/304B/302/34 of the Indian Penal Code, 1860 read with Sections 3 and 4 of the Dowry Prohibition Act, 1961.

And

In the matter of:-

Hasina Begam

... Petitioner

Mr. Niladri Sekhar Ghosh,  
Ms. Srimoyee Mukherjee

.. for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.  
Ms. Sayanti Santra

..for the State

The Investigating Officer (I.O.) of this case is present with the original copy of statement under Section 164 Cr.P.C. which was found missing on the previous date of hearing. Statement under Section 164 Cr.P.C. is found recorded on 4<sup>th</sup> January, 2021 in connection with an occurrence, allegedly held on 16<sup>th</sup> October, 2020. The delay in recording such statement under Section 164 Cr.P.C. goes unexplained in any of the papers placed in the C.D.

Learned advocate, Mr. Niladri Sekhar Ghosh with Ms. Srimoyee Mukherjee prays for bail of the petitioner, who happens to be the mother-in-law of the deceased, taking the ground of her last detention for about 80 days. According to the learned advocate for the petitioner, for the pre marital pregnancy of the deceased victim, a dispute had been cropped up between the victim and her husband, and in consequence thereof the victim herself committed suicide. The mother-in-law of the deceased victim is submitted to have been falsely implicated in this case.

Learned Additional Public Prosecutor, Ms. Sayanti Santra raises objection against the prayer for bail referring the statement of the witnesses including the statements of the witnesses recorded under Section 164 Cr.P.C. and the Post Mortem Report.

Having considered the materials already collected in the C.D. and upon consideration of rival submissions of both sides and bearing in mind the period of detention already undergone by the petitioner together with extent of complicity of the petitioner, we are persuaded to grant bail to the petitioner.

Accordingly, petitioner (Hasina Begam) may find bail of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local subject to the satisfaction of learned Additional Chief Judicial Magistrate, Arambagh, Hooghly and on condition that she will cooperate with the investigation and not intimidate the witnesses and not tamper the evidence already so far collected until further order. I.O,

(Investigating Officer) presence is noticed. C.D. be returned to the I.O.

With these observations, **CRM 11 of 2021** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Subhasis Dasgupta, J.)**

**(Subrata Talukdar, J.)**