

25.01.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Arambagh** Police
Sl.187 Station **Case No.307 of 2020** dated **13.08.2020** under Sections
Ct.28 **302/201/34** of the Indian Penal Code;

And

In re: Sumitra Ray

... petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Srimoyee Mukherjee

... for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

The learned advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case and there are hardly any material so far as the present petitioner is concerned to face the charge as has been registered against her by the police authorities. Additionally, the learned advocate submits that the investigation of the case has been completed and the petitioner undertakes to abide by any condition imposed by this Court. The learned advocate further submits that the husband and the son of the present petitioner were arrested and subsequently they were granted bail after about 60 (sixty) days from their date of arrest.

The learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioner and draws attention of this Court to the post-mortem report which reveals opinion of the expert, the statements of the neighbours as well as other materials on record.

We have considered the statements of the witnesses, the post-mortem report as well as other materials appearing in the case diary and on assessment of the same, we are of the opinion that the custodial detention of the petitioner may not be warranted at the present stage of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Sumitra Ray, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and 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 shall appear before the trial court on every date of hearing until further

orders. In any event, the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court. This order for anticipatory bail will remain in force for a period of six weeks from date.

The application for bail being CRM No.305 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)