

12.03.2021
Item no.43
Court No.28
Avijit Mitra

C.R.M. 638 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Bharatpur Police Station Case No. 236 of 2020 dated 10.09.2020 under sections 498A/304(B) of the Indian Penal Code. ;

And

In Re : Mamata Nandi

.... Petitioner

Mr. Manas Kumar Das

...for the petitioner

Md. Anwar Hossain,

Ms. Ratna Ghosh

...for the State

The present petitioner happens to be the mother-in-law of the deceased. The learned advocate for the petitioner submits that after six years of marriage, the unfortunate incident had taken place and the victim on her own committed suicide and as such, the chargesheet has been submitted along with other sections under Section 306 of the Indian Penal Code. Learned advocate further submits that as the investigation of the case has been concluded, the custodial detention of the petitioner may not be warranted.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and submits that the statements of the witnesses would reveal that there was continuous torture demanding dowry.

We have perused the materials on record including the statements available in the case diary and we find that the victim set herself on fire. Having regard to the statements of the witnesses and the fact that the investigation of the

case is already concluded and ended in a chargesheet, we are of the opinion that custodial detention under such circumstances are unwarranted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mamata Nandi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, 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.

This order of anticipatory bail will remain in force for a period of four weeks from date.

The petitioner is directed within the aforesaid time to approach the jurisdictional Magistrate for regular bail.

With the aforesaid observations the application being C.R.M. No.638 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)