

30.07.2021
Item no.13.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1453 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 01.02.2021 in connection with Sabang Police Station Case No.217 of 2019 Dated 31.5.2019 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3 and 4 of the D. P. Act

And

In the matter of : Smt. Chhaya Maity

.....Petitioner.

Mr. Ramasis Mukherjee,
Sk. Nijamuddinfor the Petitioner.

Mr. T. K. Ghosh,
Mr. Arindam Senfor the State.

The charge is under Sections 498A/304B/34 of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act. The petitioner is the mother in law of the victim.

We have seen the material in the case diary including the statement of a neighbour recorded under Section 161 of the Code. The other two co-accused being the husband and the uncle-in-law of the victim have been enlarged on bail after having been arrested. The charge sheet has been filed. The petitioner is about 65 year old.

In the facts and circumstances of the case and considering the material on record, we are of the opinion that

immediate custodial interrogation of the petitioner may not be necessary so long as she cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1453 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)