

24.11.2021
Court No.32
Item No. 106
Krishnendu
Allowed

**C.R.M. 1524 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;
And

In re: **Rupa Mondal alias Moumita Mondal Dey**
Petitioner

Mr. Asim Kumar Chakraborty

For the Petitioner

Mr. S.S. Imam

Mr. Sandip Kundu

For the State

Apprehending arrest in connection with Falta Police Station
Case No. 139 of 2017 dated 04.05.2017 under Sections
498(A)/306 of the Indian Penal Code, the present application
has been preferred.

The learned advocate appearing for the petitioner submits
that the petitioner is the married sister-in-law of the deceased
and is living in a separate mess. She has been falsely
implicated and no overt act has been attributed to her. He
further submits that the father-in-law, mother-in-law and the
husband of the deceased have already been granted bail. In
the said conspectus, custodial interrogation of the petitioner is
not warranted.

The learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to the statements

of the witnesses, as recorded under section 161 of the Code of Criminal Procedure.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the incident occurred about eight years after the marriage. Considering the nature of allegations, the extent of complicity of the petitioner in the alleged offence and since other co-accused persons have already been enlarged on bail, we are of the opinion that custodial interrogation of the petitioner is not necessary, more so when, charge sheet has been submitted. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Rupa Mondal alias Moumita Mondal Dey**, shall be released on bail upon furnishing two registered sureties of Rs.5,000/- each, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever .

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel her bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 1524 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)