

24.11.2021
Court No.32
rpan / **116**

CRM No. 1626 of 2021

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

And

In Re: **Manju Mallik**

- Petitioner

Mr. Pravash Bhattacharya

...For the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Mr. Aniket Mitra

...For the State

Apprehending arrest in connection with Midnapur All Women Police Station Case No. 93 of 2020 dated 09.09.2020 under Sections 498A/302/34 of the Indian Penal Code and read with Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner, who is the mother-in-law of the victim lady, has been falsely implicated. The principal accused, being the husband of the victim lady, has already been enlarged on bail. The marriage was solemnized about ten years earlier and the allegations levelled against the petitioner are in the abstract. Upon completion of investigation charge sheet has also been submitted. In the said conspectus, custodial interrogation of the petitioner is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several

documents in the case diary, including the statements of the witnesses, as recorded under Section 161 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted, more so when the petitioner is a lady and there is no possibility that she would flee from justice.

In view thereof, we allow this application and direct that in the event of arrest, the petitioner, namely, **Manju Mallik** shall be released on bail upon furnishing two registered sureties of ₹5,000/- each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 1626 of 2021 is, thus, 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.)