

03.06.2021
Court No.28
rpan /28

C.R.M. 3023 of 2021

(Via Video Conference)

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

And

In Re : **Khushbu Kumari Mishra @ Guriya Dubey**
- Petitioner.

Mr. Debabrata Acharya,
Ms. Shreya Trivedi

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra,

... for the State.

Apprehending arrest in connection with Uttarpara P.S. Case
No.364 of 2020 dated 27.10.2020 under Sections 498A/304B of the
Indian Penal Code, the petitioner has filed the present application.

Mr. Acharya, learned advocate appearing for the petitioner
submits that the petitioner is the married sister-in-law of the
deceased. Her matrimonial house is in Gaya, Bihar. As she was
pregnant, she was residing at her parental house. She has been
falsely implicated in the alleged incident, which occurred on 25th
October, 2020 and she gave birth to a child on 2nd December, 2020.
Upon completion of investigation, charge sheet has also been
submitted and as such, custodial detention of the petitioner is not
warranted in the facts and circumstances of the case.

Mr. Mukherjee, learned advocate appearing for the State
opposes the petitioner's prayer and draws our attention to several
documents in the case diary.

We have heard the learned advocates appearing for the
respective parties and considered the materials in the case diary.

It appears that the petitioner was pregnant at the time of the alleged incident and presently she has given birth to a child on 2nd December, 2020. Considering such fact, we are of the opinion that her custodial detention/interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Khushbu Kumari Mishra @ Guriya Dubey** shall be released on bail upon furnishing a bond of ₹10,000/- 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.

The application for anticipatory bail, being CRM 3023 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.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)