

Item No.32
11-08-2021
(ct. no.32)
(AD)
Partly Allowed

(Via Video Conference)

CRM 1978 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hura Police Station** Case No. **04 of 2021** dated **07.01.2021** under Sections **498A/302/34** of the Indian Penal Code.

- A n d -

In the matter of : Smt. Rekha Bagdi @ Peri Bagdi & Anr.
.... Petitioners.

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta

... For the Petitioners.

Mr. Tanmay Kumar Ghosh
Ms. Sima Biswas

... For the State.

The petitioners are the mother-in-law and married sister-in-law of the victim lady and plead innocence. The petitioners submit that they have been falsely implicated and the husband of the victim is on bail.

The State opposes the prayer for anticipatory bail and refers to the post-mortem report of the victim and statements of various witnesses wherein the petitioner no.1, the mother-in-law, has been implicated. It is also submitted that petitioner no.2 who is the married sister-in-law resides separately from the victim and her matrimonial family.

We have considered the material in the case diary. There are several statements which *prima facie* indicate involvement of the petitioner no.1 in causing burn injuries to the victim which resulted in her death.

In view of the nature and gravity of the offence as well as the *prima facie* involvement of the petitioner no.1 in the alleged offence and also since investigation is in progress, we are not inclined to grant anticipatory bail to petitioner No.1.

However, in view of the extent of the complicity of petitioner no.2 who at all material times resided separately from the victim, we are inclined to hold that her immediate custodial interrogation may not be required and she may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner no.2, Smt. Anita Bauri nee Bagdi, 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 the event the petitioner no.2 fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the Learned Court below will be at liberty to cancel the anticipatory bail without reference of this Court.

The application for anticipatory bail being CRM 1978 of 2021 is, thus, partly allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)