

12.08.2021

(Via Video Conference)

Court No.28  
Item No.313  
(allowed-in-  
part)

**CRM 2145 of 2021**

Saswata

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Sabong Police Station Case No. 240 dated 21.10.2020 under Sections 498A/304B/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : **Mousumi Shit @ Das & Ors.**  
**...Petitioners**

**Mr. Navanil De**  
**Mr. Rajeshwar Chakraborty**

**...For the Petitioners**

**Mr. Avijit Ganguly**  
**Mr. Avik Ghatak**

**...For the State.**

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Sabong Police Station Case No. 240 of 2020 under Sections 498A/304B/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The instant application for anticipatory bail is at the instance of the sister-in-law and the mother-in-law respectively of the deceased lady, who died by committing suicide.

The petitioners say that the husband of the victim lady as well as the respective husbands of the petitioner no.1 and 2 had already been enlarged on bail and, therefore, custodial interrogation of the petitioners is not necessary.

Learned Advocate for the State drew our attention to the statements of the grandfather and the mother of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

After perusing the statements so recorded, we find that the entire allegation is attributable to the conduct of the petitioner no. 3, that is the mother-in-law. Accordingly, we do not find any justification in extending the benefit of Section 438 of the Code of Criminal Procedure to the petitioner no. 3.

The prayer for anticipatory bail of petitioner no. 3, namely, **Gita Rani Das**, is **rejected**.

We do not find any ingredients/allegations made against the petitioner nos. 1 and 2 from the aforesaid statements and, therefore, the custodial interrogation of those petitioners is not required.

The prayer for anticipatory bail of petitioner nos. 1 and 2 is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 and 2, namely, **Mousumi Shit @ Das** and **Kanika Das**, shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being **CRM 2145 of 2021** is, thus, disposed of.

**(Harish Tandon, J.)**

**(Bibek Chaudhuri, J.)**