

47 07.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 2148 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **24/02/2021** in connection with Banshihari P.S. Case No. **150 of 2020** dated **09/11/2020** under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In the matter of: Sampa Paul

....petitioner.

Mr. Sarthak Burman

...for the petitioner.

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

...for the State.

Application for anticipatory bail under Section 438 CrPC has been filed apprehending arrest in connection with Banshihari Police Station Case No. 150 of 2020 dated 09.11.2020 under Sections 498A/304B/302 read with Section 34 of the Indian Penal Code.

It is submitted by the counsel for the petitioner that his client recently has given birth to a child who is four months old.

Counsel for the State has opposed the application, inter alia, on the basis of statement under Section 164 of the CrPC.

It appears from the case diary and the submission of the parties that a charge-sheet has already been filed against the five persons including the accused. The other four charge-sheeted persons have been enlarged on bail. The petitioner is a married sister-in-law of the deceased, who admittedly resides in her own matrimonial house.

Having considered the materials on record and the case diary and having heard the counsel for the parties this court is inclined to allow the application for anticipatory bail.

Accordingly, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the concerned learned Magistrate of the Court below in the District of Dakshin Dinajpur, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Banshihari Police Station except for the purposes of investigation and attending the court proceedings and shall provide the address where she shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction she shall reside once in a week until further orders.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for anticipatory bail is, thus, disposed of.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)