

**CRM 2353 of 2021**

**In re:** An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotshila Police Station Case No. 63 of 2020 dated 01.10.2020 under Sections 498A/304B/302/34 of the Indian Penal Code.

- A n d -

**In the matter of : Ramani Nayak & Anr.**

.... Petitioners.

Ms. Tapan Datta Gupta  
Mr. Parvej Anam.

... For the Petitioners.

Mr. S. G. Mukherjee, Ld. PP  
Mr. Aniket Mitra

... For the State.

Learned counsel for the petitioners submits that petitioner no. 2 has been arrested and as such he intends not to press the application with regard to petitioner no. 2. Accordingly, the present application insofar as petitioner no. 2 is concerned is dismissed as not pressed.

Petitioner no. 1 is the mother-in-law of the victim. It is submitted on behalf of this petitioner that she is innocent and has been falsely implicated. The husband of the victim has been granted bail by the court below.

The State opposes the prayer for anticipatory bail and refers to the statements of neighbours under Section 161 of the Code, as well as the Post Mortem report of the victim which indicates that she died due to burn injuries.

We have considered the material on record. Keeping in mind the nature of allegations against petitioner no. 1 as well as the facts and circumstances of the case we are inclined to hold that there being no specific overt act

attributed to the petitioner in the statement of the witnesses, her custodial interrogation is not necessary and she may be granted anticipatory bail, so long as she cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner no. 1, namely, Ramani Nayak shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount, 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.

The application of anticipatory bail being CRM 2353 of 2021 is, thus, 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. )**