

19.08.21
(S.R.)
Sl.302
Ct.30

CRM No.2520 of 2021
(via vide conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhatpara** Police Station Case **No.60 of 2019** dated **19.07.2019** under Sections **498A/304B/302/201/120B/34** of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act;

And

In re: Kousallya Tanti @ Koshalya Debi

... petitioner.

Mr. Imran Siddiqui

... for the petitioner.

Mr. Anwar Hossain

Mr. Narayan Prasad Agarwala

Ms. Sreyasree Biswas

...for the State.

This is an application for pre-arrest bail.

Learned advocate for the petitioner submits that the petitioner is old mother-in-law and she has been falsely implicated in this case and the allegations incorporated in the complaint are unfounded. It is further submitted that charge sheet in this case has already been submitted and with the completion of investigation, custodial interrogation is not necessary in this case.

Learned advocate for the State raises objection against the prayer for pre-arrest bail. He draws our attention to the statement of witnesses recorded under Section 161 of the Criminal Procedure Code and the post-mortem report, wherefrom it is evident that several bodily injuries were detected by the autopsy surgeon. It is further submitted that though the case was started under Sections 498A/304B/201/34, but finally charge sheet has been submitted adding Sections 302 after noticing upon bodily injuries of deceased and 120B of the Indian Penal Code together with Section 4 of the Dowry Prohibition Act.

We have heard both sides. Dead body of deceased was found floating in a river, and ultimately recovered therefrom.

The deceased victim was subjected to torture, cruelty in her

matrimonial home for non-satisfaction of the post-marital demand by her in-laws members.

Having considered the submissions of both sides and bearing in mind the complicity of the petitioner in the alleged offence together with the bodily injuries of deceased, we are of the considered view that this is not a fit case, where we should exercise our discretion by granting anticipatory bail to the petitioner.

Prayer for anticipatory bail is considered and rejected.

Accordingly, the application for anticipatory bail being CRM No.2520 of 2021, is rejected.

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

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)