

17.09.2021
Item no.46.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2671 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 9.3.2021 in connection with Minakhan Police Station Case No.206 of 2020 Dated 28.09.2020 under Sections 498A/307/325/34 of the Indian Penal Code read with Section 304B/302 of the Indian Penal Code and Sections 3/4 of the D. P. Act

And

In the matter of : Ashura @ Asura Bibi & Anr.

.....Petitioners.

Mr. A. Chakraborty,
Mr. S. S. Sahafor the Petitioners.

Mr. Imran Ali,
Ms. Sutapa Banerjeefor the State.

Liberty is granted to the learned Advocate for the petitioners to correct the cause title of the petition by adding relevant Sections of the IPC therein.

It is submitted that this application is not pressed on behalf of the petitioner no.2 as he has already been arrested. This application for anticipatory bail is dismissed as regards the petitioner no.2.

The petitioner no.1 is the mother-in-law of the victim lady, who committed suicide by hanging herself.

The petitioner no.1 submits that she had no role to play in the death of the victim. She treated the victim lady with affection.

We have seen the post mortem report. We have also seen statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. There are general allegations against the victim's husband and parents-in-law. We are told that the husband has been granted bail by the learned Trial Court.

The State says that proclamation has been issued and hence, this application is not maintainable. However, we find from the relevant order sheets that the proclamation has not been issued following the mandates of Section 82 of the Code of Criminal Procedure. We are unable to take cognizance of such an order of proclamation.

On an overall assessment of the facts and circumstances of the case and the material on record and considering that charge sheet has already been submitted, we are of the view that immediate custodial interrogation of the petitioner no.1 is not necessary.

Accordingly, in the event of arrest, the petitioner no.1, namely Ashura @ Asura Bibi 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 case the petitioner no.1 fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2671 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)