

CRM No.2689 of 2021

Via video conference

16.12.21

(S.R.)

Sl.548

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanchal** Police Station Case No.164 of 2014 dated 26/03/2014 under Sections 498A/306/34 of the Indian Penal Code;

And

In re: Dumni Nunia @ Domni Nunia

... petitioner.

Mr. Sayan Kanjilal

... for the petitioner.

Mr. P.K. Datta, Ld. APP

Mr. Santanu Dey Roy

...for the State.

Mr. Kanjilal, learned advocate appearing for the petitioner submits that the petitioner is the mother-in-law of the victim lady and she has been falsely implicated in an incident which occurred about 14 years after the marriage of the victim lady and the petitioner's son. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioner, who is an aged lady of about 66 years, is not warranted. He further submits that all the other accused persons have already been granted bail.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of the witnesses and the post mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioner in the alleged offence and since upon completion of investigation charge sheet has also been submitted, we are of the opinion that custodial interrogation is not necessary, more so when there is no likelihood that the petitioner would flee from justice or delay the trial.

Accordingly, we direct that in the event of arrest the petitioner will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel her bail without any further reference to this Court.

The application for anticipatory bail being CRM No.2689 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)