

01.10.2021
SL No.22
Court No.30
(gc)

CRM 2851 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Uluberia Police Station Case No.22/11 dated 8.1.11 under Sections 98A/326/307/34 of the Indian Penal Code.

And

In the matter of : **Mithu Gayen**

- Petitioner.

Mr. Fasiur Rahman Molla,
Mr. Soumya Roy,
Mr. Mukulika Saha,
... For the Petitioner.

Mr. Bidyut Kr. Roy
Ms. Rita Datta
... For the State.

Learned Counsel for the petitioner submits that the petitioner is the sister-in-law of the victim and she has been falsely implicated in the instant case.

Learned Counsel appearing for the State, however, opposes the prayer for anticipatory bail and submits that due to torture, the lady died.

Considering the materials made available on record and the nature and extent of complicity of the present petitioner and the commission of alleged offence and the fact that the husband is on bail and the charge-sheet has already been filed, there is no necessity for custodial interrogation of the petitioner and she may be granted anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

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

The application for anticipatory bail, being CRM No.2851 of 2021 is, thus, disposed of.

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

(Rabindranath Samanta, J.)

(Soumen Sen, J.)