

CRM No.3296 of 2021
(Via video conference)

02.06.21

(S.R.)

Sl.32

Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bagdah** Police Station Case **No.45 of 2021** dated **19.01.2021** under Sections **498A/406/304B/34** of the Indian Penal Code and under Sections **3/4** of the Dowry Prohibition Act;

And

In re: Sumiti Mallick @ Sumita Mallick & Anr.

Mr. Satadru Lahiri

... for the petitioners.

Mr. S.G. Mukherjee, PP

Mr. F. Hossain

Mr. Aniket Mitra

...for the State.

Mr. Lahiri, learned advocate appearing for the petitioners submits that the petitioner no.1 is the mother-in-law and the petitioner no.2 is the married sister-in-law of the deceased. They have been falsely implicated in an incident which occurred 2½ years after the marriage of the son of the petitioner no.1 with the deceased. The allegations are omnibus in nature. One co-accused person, being the husband of the deceased, is in custody. Upon completion of investigation charge sheet has also been submitted. In view thereof, further detention of the petitioners, who are in custody since 20th January, 2021, is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statements of the witnesses as recorded under Section 161 of the Code and the post-mortem report.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The petitioner no.1 is aged about 65 years and the petitioner

no.2 is the married sister-in-law and she resides at a separate place along with her husband and children.

In the said conspectus and considering the nature of allegations, the period of detention and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that further detention of the petitioners is not warranted.

Accordingly, the petitioners, namely, **1.Sumiti Mallick @ Sumita Mallick and 2. Sefali Goldar nee Mallick @ Sephali Goldar** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Bongaon.

The petitioners shall also attend the learned court below on all the dates as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail without any further reference to this Court.

Accordingly, the application for bail being CRM No.3296 of 2021 is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)