

10.12.2021

Court No.32
rpan / 180

CRM 5908 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Shyamali Das**

- Petitioner

Mr. Rupam Mukhopadhyay (through v.c.)
... for the Petitioner.

Mr. Narayan Prasad Agarwal,
Mr. Pratick Bose
... for the State.

Apprehending arrest in connection with Shyampur Police Station Case No.130 of 2021 dated 26.03.2021 under Sections 498A/304B/306/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the present application.

Mr. Mukhopadhyay, learned advocate appearing for the petitioner submits that the petitioner is the mother-in-law of the victim lady and has been falsely implicated in the alleged incident which occurred about 5 years after the marriage of her son with the victim lady. The principal accused is the husband, who has already been enlarged on bail. Upon completion of investigation charge sheet has also been submitted and in view of the omnibus nature of allegations, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the post-mortem report and the statement of the father of the victim lady as recorded under Section 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the statement of the victim's father, as recorded under Section 164 of the Code, the nature of allegations, the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Shyamali Das**, 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.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 5908 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)