

10.12.2021
Item no.201
Court No.32
Avijit Mitra

C.R.M. 6184 of 2021

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

And

In Re : Mita Devi @ Mita Devi Shaw

.... petitioner

Mr. Soumya Basu Roy Chowdhury,

....for the petitioner

Mr. S.G. Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Mr. Aniket Mitra

..... for the State

Apprehending arrest in connection with Golabari Police Station Case No.12 of 2021 dated 11.01.2021 under Sections 498A/304B of the Indian Penal Code, the present application has been preferred.

Mr. Basu Roy Chowdhury, learned advocate appearing for the petitioner submits that the petitioner is the mother-in-law who has been falsely implicated in the alleged incident. The victim lady accidentally fell down the stairs and ultimately succumbed to her injuries. No overt act has been attributed to the petitioner herein. The father-in-law and the brother-in-law of the victim have already been granted anticipatory bail by the learned Sessions Court. Upon completion of investigation chargesheet has also been submitted. In the said conspectus, custodial interrogation is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of

the witnesses as recorded under Section 161 of the Code and the injury report.

Prima facie, no overt act has been attributed to the petitioner and there are contradictions in the statement of the witnesses. There is also no likelihood that the petitioner would flee from justice or would delay the trial by abscondence. In view thereof, custodial interrogation is not necessary, more so when, upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mita Devi @ Mita Devi Shaw**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 with a further condition that the petitioner shall attend the learned Trial Court on all the dates as fixed for hearing.

The petitioner shall not intimidate the witnesses and/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 the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.6184 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)