

17.12.2021.
31.
as
(Allowed).

C.R.M. 7573 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matia P. S. Case No.419 of 2021 dated 12.10.2021 under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Smt. Aspiya Bibi.

... Petitioner.

Mr. Arka Chakraborty.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is the married sister-in-law of the victim housewife. It is submitted that she has been falsely implicated in the instant case. Incident occurred nine years after marriage.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the son of the victim. Post mortem report discloses a case of death by hanging which is ordinarily suicidal.

In view of the aforesaid facts and as the victim died nine years after marriage and the statutory presumptions are not available, we are of the opinion custodial interrogation of the petitioner is not necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 and on further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)