

CRM No.10846 of 2020

Via video conference

09.03.21

(S.R.)

Sl.137

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case **No.437 of 2020** dated **05.10.2020** under Sections **498A/304B/34** of the Indian Penal Code, 1860;

And

In re: Rafiyabibi Sekh @ Rofiya Bewa & Anr. ... petitioners.

Ms. Sananda Bhattacharyya

... for the petitioners.

Mr. S.G. Mukherjee, Ld.PP

Mr. Aniket Mitra

...for the State.

The 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 victim lady. They have been falsely implicated and the allegations levelled against them are unfounded. The victim lady committed suicide. The husband of the victim lady is, however, in custody. She further submits that the petitioner no.2 resides separately in the district of Burdwan.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and submits that the incident occurred only six months after the marriage and in the statements of the witnesses, recorded under Section 161 of the Code, the names of the petitioners and of the husband feature consistently.

Having heard the learned advocates and considering the nature of allegations and since the petitioner no.2 is a married lady and is not residing in her parental house, we are of the opinion that custodial interrogation of the petitioner no.2 is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Sonali Babi** 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.

However, *prima facie*, we find materials in the case diary, which disclose direct involvement of the petitioner no.1 in the alleged offence and as such, we are of the opinion that she is not entitled to the privilege of anticipatory bail.

Accordingly, the application for anticipatory bail being CRM No.10846 of 2020 is partly allowed.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)