

4.
01-09-2021
(ct. no.32)
KOLE
Allowed

In The Circuit Bench At Jalpaiguri

CRM 791 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Falakata Police Station** Case No. **149 of 2021** dated **25.04.2021** under Sections **498A/328** of the Indian Penal Code.

- A n d -

In the matter of : Shantana Das

.... Petitioner.

Mr. D. Kundu,

... For the Petitioner.

Mr. Kollol Acharjee,

Mr. N. Das,

... For the State.

The petitioner undertakes to affirm and stamp the petition as per Rules within a week from the date of passing of this order. Subject to undertaking, the application is taken up for hearing through video conference.

The petitioner is the mother-in-law of the victim lady. The allegation is that she along with other accused persons including the victim's husband tortured the victim and inflicted bodily harm on her.

We have seen the medical report. It speaks of 'unknown poisoning'. No external injury is recorded. No statement of the victim has also been recorded. Charge sheet has been submitted. The husband of the victim has been enlarged on bail after being apprehended.

On an overall assessment of the material on record and the possible complicity of the petitioner in the alleged

offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, 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, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 791 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)