

28.01.2022

Court No.32
rpan/29

C.R.M. (A) 25 of 2022

[Through Video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Daspur Police Station Case No.365 of 2021 dated 19.07.2021 under Sections 498A/304B/302/34 of the Indian Penal Code, 1860;

And

In re: **Kajal Rani Ghorai @ Kajali Rani Ghorai**

- Petitioner

Mr. Dipanjan Dutt,

Mr. Souma Subhra Ray

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faira Hossain,

Mr. Aniket Mitra

... for the State.

Mr. Dutt, learned advocate appearing for the petitioner submits that the petitioner is the mother-in-law of the victim. She has been falsely implicated. The victim lady committed suicide. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code as well as the post-mortem report.

Having heard the learned advocates and considering the materials in the case diary, including the statements of the witnesses, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so

when, upon completion of investigation charge sheet has also been submitted. Furthermore, the petitioner is a female family member and *prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence. In view thereof, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner namely, **Kajal Rani Ghorai @ Kajali Rani Ghorai** 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 trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 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 (A) 25 of 2022 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.)