

28.01.2022
Ct. No. 32
57
sdas

C. R. M. (A) 82 of 2022
[via video conferencing]

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

And

In Re: *Chhataki Rajbangshi @ Shefali Rajbangshi & Anr.*
... .. Petitioners

Mr. Saptarshi Chakraborty
... .. for the petitioners

Mr. Tanmay Kumar Ghosh
Mr. Arindam Sen
... .. for the State

Apprehending arrest in connection with Murarai Police Station Case No. 148 of 2021 dated 19.08.2021 under Sections 498A/302/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Chakraborty, 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 in the alleged offence which occurred about 13 years after the marriage of the son of the petitioner no. 1 with the victim. The said couple has two children. Presently they are aged about 11 years and 4 years respectively. No overt act has been attributed to the petitioners and they are the female members of the family. There is no possibility that they would flee from justice or delay the trial by abscondence. The husband and the father-in-law of the victim were arrested and subsequently enlarged on bail. Upon completion of

investigation charge-sheet has also been submitted and as such custodial interrogation of the petitioners is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, the inquest report and the post mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there are certain contradictions in the statements of the witnesses. The contents of the inquest report are also contradictory to the statements of the witnesses. Considering the nature of accusations as levelled against the petitioners and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation may not be warranted moreso when upon completion of investigation charge-sheet has been submitted. The petitioners are the female members of the family and *prima facie*, there is also no possibility that they would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Chhataki Rajbangshi @ Shefali Rajbanshi* and (2) *Sammani Rajbanshi @ Rajbanshi* shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioners shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM (A) 82 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.)