

CRM(A) No.203 of 2022

Via video conference

08.02.22

(S.R.)

Sl.19

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kushmandi** Police Station Case No.53 of 2021 dated 20/05/2021 under Sections 498A/302/304B of the Indian Penal Code (G.R. Case No.398 of 2021);

And

In re: Manju Sarkar

... petitioner.

Mr. Mazahar Hossain Chowdhury

... for the petitioner.

Mr. P.K. Datta, APP

Mr. Santanu Deb Roy

...for the State.

Mr. Hossain Chowdhury, learned advocate appearing for the petitioner submitted that the present petitioner is the mother-in-law and has no complicity in the alleged offence at all. The father-in-law has already been granted bail by the learned court below. The present petitioner is on the same footing. Therefore, on the same ground Mr. Hossain Chowdhury prays for anticipatory bail for the present petitioner.

Per contra, Mr. Deb Roy, learned advocate appearing for the State submitted that the unfortunate death took place within 10 days of marriage. Statement of the mother of the victim recorded under Section 164 of the Cr.P.C. indicates that the victim told her mother in hospital that poison was administered to her by her in-laws including the present petitioner. The said statements of the mother of the victim recorded under Section 164 of the Code of Criminal Procedure clearly implicate the present petitioner along with others. In our query, Mr. Deb Roy submitted that charge sheet has been filed, as investigation is complete. He strongly opposes the bail, as the allegations are very grave and serious.

We have heard rival submissions and perused the case diary.

We find strong incriminating materials against the present petitioner. The allegations are very grave and serious and the death occurred within 10 days of marriage. Question whether poison was consumed by the victim herself or administered by the in-laws is to be decided at trial. But it is suffice to say that materials do not negate the allegations against the petitioner at this stage. In such conspectus of facts, we are not inclined to allow anticipatory bail to the present petitioner at this stage keeping in mind that the other co-accused are granted regular bail after a considerable period of detention.

The application for anticipatory bail being CRM(A) No.203 of 2022 is, accordingly, dismissed.

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.)