

03.03.2022

Court No.32

SM,J.

rpan / **31**

CRM (A) 505 of 2022

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

And

In Re: **Ambia Mondal & Another**

- Petitioners

Mr. Amanul Islam,
Mr. Sourav Mukherjee
... for the Petitioners.

Mr. Arijit Ganguly,
Mr. Avik Ghatak
... for the State

Apprehending arrest in connection with Chapra Police Station Case No. 479 of 2021 dated 30.10.2021 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of the D. P. Act, the petitioners have filed the present application, praying for anticipatory bail.

Mr. Mukherjee, learned lawyer appearing for the petitioners submitted that chargesheet has been filed. Allegations are directed against the husband, who is the principal accused. The present petitioners are neither instrumental to nor caused death nor made any demand of dowry in connection with the present case. There is hardly any incriminating material against the present petitioners. Accordingly, he prays for anticipatory bail since custodial detention for interrogation is not necessary at post investigation stage.

Mr. Ganguly, learned lawyer for the State, invited our attention to the dying declaration of the victim girl and stated that incriminating materials are there against the present petitioners implicating them to the alleged offence which does not warrant grant of anticipatory bail. However, he candidly admitted that investigation is complete and chargesheet has been filed. He further submitted that husband of the victim lady is in custody.

We have heard rival submissions. Perused the C.D.

We have given our anxious consideration to the dying declaration of the victim girl wherefrom it appears that allegations of demand of dowry and tortures are there against the present petitioners. She committed suicide in her paternal home and made her husband responsible for her untimely fate. It is her declaration that since her husband wanted a male child but unfortunately there was a girl child, which her husband did not like, she felt depressed and committed suicide.

On perusal of the C.D. and other materials on record and considering the fact that incriminating materials against the present petitioners poorly connect them to the alleged incident of unnatural death and in view of the fact that chargesheet has been filed and investigation is complete which does not necessitate any custodial detention, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Ambia Mondal** and **Kalu Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 with a further condition that they will not leave the jurisdiction of Chapra Police Station without permission of the Inspector-in-Charge of the same Police Station, until further orders.

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

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

The application for anticipatory bail, being CRM (A) 505 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.)