

CRM 6899 of 2021
(via video conference)

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

In the matter of : **Smt. Krishna Chakraborty & Anr.**
..... petitioners

Mr. Sourav Chatterjee
Mr. Soumya Nag

.....For the petitioners

Ms. Sujata Das

.....For the State

Apprehending arrest in connection with Sinthi Police Station Case No. 18 of 2021 dated 22.02.2021 under Sections 498A/406/506/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that unfounded allegations have been levelled against the petitioner no.1, who is the mother-in-law of the victim and the petitioner no.2, who is the sister-in-law of the victim. The son of the petitioner no.1 married the victim lady way back in the year 2012. The victim lady left her matrimonial house in the month of January, 2018 and lodged the complaint about four years thereafter. In the midst thereof, there was a discussion amongst the parties for mutual divorce, however, the same has not materialized till date. In the said conspectus, the petitioners may be granted anticipatory bail on any condition.

Ms. Das, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code and other documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary moreso when, the petitioners are female members of the family and *prima facie*, there is also no possibility that they would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Smt. Krishna Chakraborty** and **Sangeeta Chakraborty** 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 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 petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 6899 of 2021, 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.)