

CRM No.7964 of 2021

Via video conference

07.01.22

(S.R.)

Sl.08

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Udaynarayanpur** Police Station Case No.82 of 2021 dated 30/05/2021 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act (G.R. Case No.1220 of 2021);

And

In re: Pratima Maji @ Majhi

... petitioner.

Mr. Mahammad Mahmud

... for the petitioner.

Mr. Prasun Kumar Dutta

Mr. Subrato Roy

...for the State.

Mr. Mahmud, learned advocate appearing for the petitioner submits that the petitioner is the mother-in-law of the victim and she has been falsely implicated. No overt act has been attributed to her. The petitioner is a lady aged about 53 years. In the said conspectus, custodial interrogation may not be necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of the witnesses, the medical report and the post mortem report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, 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 and as the petitioner is an aged lady, *prima facie*, there is also no possibility that she would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioner will 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 not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

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 would be at liberty to cancel her bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7964 of 2021 is, accordingly, 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.)