

CRM No.8006 of 2021

Via video conference

06.01.22

(S.R.)

Sl.36

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Debra** Police Station Case No.134 dated 13/03/2021 under Sections 498A/302/506/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act (G.R. Case No.734 of 2021);

And

In re: Sibani Sheet @ Shibani Sit & Anr.

... petitioners.

Mr. Navanil De

Mr. R. Chakraborty

... for the petitioners.

Mr. Bidyut Kumar Ray

Ms. Rita Dutta

...for the State.

Mr. De, learned advocate appearing for the petitioners submits that the petitioner no.1 is the mother-in-law and the petitioner no.2 is the brother-in-law of the victim. They have been falsely implicated in the alleged incident which occurred about 13 years after the marriage of the victim. The allegations are *omnibus* in nature. It would also be apparent that the victim was suffering from depression and she committed suicide. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

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

Heard the learned advocates and considered the materials on record. From the statement of the daughter of the victim, as recorded under Section 164 of the Code, it appears that the victim was having psychiatric problems. Considering the nature of allegations, the statement of the victim's daughter and the extent of complicity of the

petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Sibani Sheet @ Shibani Sit and 2. Sudarshan Sheet** will 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 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 petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.8006 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.)