

CRM No.8845 of 2021

Via video conference

10.02.22

(S.R.)

Sl.203

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baghmundi** Police Station Case No.91 of 2021 dated 16/08/2021 under Sections 498A/313/354/323/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act;

And

In re: Gopal Kuiry & Ors.

... petitioners.

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

Ms. Ria Mukherjee

... for the petitioners.

Mr. Tanmoy Kr. Ghosh, Sr. G.A.

Ms. Sonali Bhar

...for the State.

On the prayer of Mr. Mukherjee, learned advocate appearing for the petitioners, the present application so far as the petitioner nos.1 to 3 are concerned is dismissed as infructuous, since the said petitioners have already been arrested.

He further submits that the petitioner no.4 is the sister-in-law of the victim and the complaint had been lodged pertaining to an incident of the year 2019. No specific overt act has been attributed to the petitioner no.4 and she has been falsely implicated. The victim's husband preferred a matrimonial suit on 4th August, 2021. The summons was issued on 11th August, 2021 and as a counter blast thereafter the complaint has been lodged. She is a female family member and, *prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence. In the said conspectus, she may be granted anticipatory bail.

Ms. Bhar, learned advocate appearing for the State opposes the prayer of the petitioner no.4 and draws our attention to several documents in the case diary including the statements of the witnesses

and the medical report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the delay in lodging FIR and the possible extent of complicity of the petitioner no.4 in the alleged offence, we are of the opinion that her custodial interrogation is not necessary, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner no.4, namely, **Ashima Kuiry** 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 with a further condition that the petitioner no.4 shall attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner no.4 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner no.4 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.8845 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.)

