

17.02. 2022

Court No.32
rpan / **219**

CRM 8988 of 2021

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

And

In Re.: **Chameli Bibi**

- Petitioner

Mr. P. S. Bhattacharyya,
Mr. S. Chowdhury,
Mr. D. Bhattacharjee,
Mr. S. Saha,
Mr. Rajdeep Saha
... for the Petitioner.

Mr. Sudip Kumar
... for the State.

Apprehending arrest in connection with Bhagwangola Police Station Case No.463 of 2020 dated 28.09.2020 under Sections 498A/304B/302/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961, the petitioner has filed the present application.

Mr. Bhattacharyya, learned advocate appearing for the petitioner submits that the petitioner is the mother-in-law of the victim. She has been falsely implicated. No specific overt act has been attributed to her. In the said conspectus, her custodial interrogation may not be necessary.

Mr. Kumar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses including that of a doctor, who attended the victim, as recorded under Section 161 of the Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

From the doctor's statement it appears that the victim herself set fire on her body and *prima facie*, there is no material as regards the petitioner's involvement in the alleged offence. In view thereof, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been submitted and since the petitioner is a female family member, *prima facie* there is no possibility that she would flee from justice or delay the trial by abscondence.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Chameli Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 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 petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8988 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.)