

24.02.2022
Item no.230
Court No.32
Avijit Mitra

C.R.M. 9048 of 2021

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

And

In Re : Mahitan Bibi & anr.

.... petitioners

Mr. Arnab Chatterjee

....for the petitioners

Mr. Sudip Ghosh,

Mr. Apurba Kumar Datta

....for the State

The present application has been preferred in connection with Beldanga Police Station Case No.431 of 2021 dated 03.09.2021 under Sections 498A/302/304B/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners are the parents-in-law of the victim and they have been falsely implicated. The victim committed suicide. No specific overt act has been attributed to the petitioners. The principal accused being the son of the petitioners is already in custody. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Datta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code as well as the *post-mortem* report.

Heard the learned advocates appearing for the respective parties. Considering the materials in the case diary and bearing in mind the nature of accusations in the light of the submissions made by the respective parties and in view of the fact that upon completion of the investigation chargesheet has also been submitted, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Mahitan Bibi and Nur Islam @ Seikh Nurislam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 9048 of 2021 is 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.)