

15.11.2022  
Serial no.11  
Aloke

**CRM (A) 5187 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Saltora Police Station Case No. 55 of 2022 dated 03.05.2022 under Sections 498A/302/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

-And-

In the matter of : **Maya Mondal & Anr.**

... .. Petitioners

Mr. Soumik Ganguli, Advocate

... .. For the Petitioners

Mr. Debabrata Chatterjee, Advocate

Ms. Debjani Dasgupta, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioner are standing on the same footing as that of the other co-accused who were enlarged on anticipatory bail by the order dated September 20, 2022 passed in CRM (A) 4478 of 2022. He submits that the husband and the brother-in-law were enlarged on bail by the jurisdictional Court. The petitioners are ladies with one of the petitioners having a child to look after.

Learned Advocate appearing for the State submits that the investigations are yet to be concluded. He refers to the statement of six year old child recorded under Section 164 of the Code of Criminal Procedure. He submits that the child implicates the petitioners. According to him, custodial interrogation of the petitioners are required to unearth the truth. It is contended on behalf of the State that the husband was granted statutory bail.

The husband and the brother-in-law, apparently are on bail granted by the jurisdictional Court.

Two other co-accused were enlarged on anticipatory bail by the order dated September 20, 2022 passed in CRM (A) 4478 of 2022.

While granting anticipatory bail to such co-accused, the postmortem report of the victim was taken into consideration so also the fact of the enlargement of the husband of the victim on bail by the jurisdictional Court. The postmortem report of the victim states that the death was due to poisoning. The husband of the victim is on bail.

Prima facie, the statement of the six year old child claimed to be the eye witness speaks of the husband and the father of the husband pouring the poison in the mouth of the victim.

Apparently, the victim survived for a considerable period of time subsequent to the date of the incident till her death.

State is unable to produce any materials before the Court that the victim implicated the petitioner in any of her statements.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will cooperate with the investigation till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5187 of 2022 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**