

12.06.2023

Sl. 88

Court No. 29

sdas

(Allowed)

C.R.M. (A) 2199 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chakdah** Police Station Case No. **757** of **2022** dated **21.11.2022** under Sections **498A/304B/34** of the Indian Penal Code.

And

In the matter of: **Malati Biswas & Anr.**

....petitioners.

Ms. Rupsa Sreemani

...for the petitioners.

Mr. Aniket Mitra

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioners are the mother-in-law and elder sister-in-law of the deceased.
3. Learned Counsel for the petitioners submits that there is omnibus allegation against the petitioners so far as harassment and torture of the deceased for demand of dowry is concerned. It is further submitted by him that, however, Hon'ble Bench which disposed of the earlier anticipatory bail application i.e. CRM(A) 447 of 2023 dated 02.02.2023 was not assisted properly and such fact could not be brought to the notice of the Hon'ble Bench. In view of such fact, Hon'ble Bench in paragraph 4 of the order dated 02.02.2023 held thus :

“There is a statement of the neighbour of the victim recorded under Section 161 of the Code of Criminal Procedure, which implicates the petitioners in the incident.”

4. It is further submitted by the learned Counsel for the petitioners that in the meantime husband and brother-in-law

of the deceased have already been released on regular bail by the trial court on the ground that the allegation against them is omnibus in nature and cause of death is due to suicidal hanging.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, deficient assistance to the Hon'ble Bench on the earlier occasion and other circumstances, each of the petitioners is directed to appear before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia, within 15 days from today in connection with Chakdah Police Station Case No. 757 of 2022 dated 21.11.2022. On their appearance and application for bail each of the petitioners shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2199 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

