

CRM (A) 2362 of 2023

In re: An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Amta Police Station** Case No. **323 of 2022** dated **02.10.2022** under Sections **498A/304B/302/34** of the IPC.

- A n d -

In the matter of : Mahila Begam @ Mahela Begam & Anr.

.... Petitioners.

Mr. Anindya Ghosh,
Mr. Pronojit Roy,

... For the Petitioners.

Mr. Saswata Gopal Mukherji,
Mr. Partha Pratim Das,
Mrs. M. Roy,

... For the State.

1. Heard Learned Counsel for the parties.
2. The earlier application for bail was rejected at the stage of investigation which was going on on the basis of the FIR registered under Section 498A/304B/302/34 of the IPC. Subsequently, charge sheet has been filed under Section 498A/306/34 of the IPC. Such a development is no doubt, a supervening circumstance warranting interference. Learned Counsel for the State though submits that the allegation regarding demand of dowry against the present petitioners who are mother-in-law and brother-in-law of the deceased is omnibus in nature, anticipatory bail should not be granted as proclamation has already been issued. It

is, however, fairly submitted at the Bar that the proclamation has not yet been executed. Had the proclamation been executed, the consideration would have been different.

3. Regard being had to such facts and submissions and the fact that the petitioner no. 1 is an old lady and the petitioner no. 2 is a boy of under age, it is directed that each of the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Uluberia in the District of Howrah in the G.R. case arising out of Amta Police Station Case No. 323 of 2022 within 15 days from today. 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.
4. Accordingly, the prayer for anticipatory bail is allowed.
5. The application being CRM(A) 2362 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)