

22.08.2023
ML. 312
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3117 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Manikchak** P.S. Case No. **59 of 2011** dated **03.04.2011** under Sections **498A/304B/34** of the IPC and Sections **3/4** of the D.P. Act corresponding to G.R. Case No. **1054 of 2011** pending before the learned CJM, Malda.

And

In the matter of: **Mafia Bibi @ Maphijan Bibi**

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. S. G. Mukherji, PP
Ms. Faria Hossain
Ms. Mamata Jana

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioner is the mother-in-law of the deceased. From the statement of the witnesses it is clear that being unable to bear the torture meted out to her by the petitioner and other family members, the deceased committed suicide.
3. Investigation is stated to have been completed.
4. The evidence to the aforesaid effect depends on the cross-examination of the witnesses and at this stage no definite opinion can be expressed.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Malda within 15 days from today in the G.R. case No. 1054 of 2011 arising out of aforesaid P.S. case including the condition that:
 - i) The present petitioner shall appear before the learned

Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.

6. On her appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. The learned CJM is directed to act upon the server copy of this order, if required.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3117 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

