

29.08.2023

SL. 67

Court No. 29
Suvayan

(Partly Allowed)

C.R.M. (A) 3444 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kushmandi** P.S. Case No. **122 of 2023** dated **23.05.2023** under Sections **498A/304B/34** of the IPC corresponding to G.R. Case No. **516 of 2023** pending before the learned ACJM, Buniadpur, Gangarampur, Dakshin Dinajpur
And

In the matter of: **Shanti Rani Sarkar & Ors.**

....petitioners.

Ms. Megha Chanda

...for the petitioners.

Mr. S. G. Mukherji, PP

Ms. F. Hossain

Mr. Anand Keshari

...for the State.

1. Heard learned Counsel for both the parties.
2. From the charge-sheet it is found that the husband of the deceased has been charge-sheeted for offence under Section 498A/304B IPC read with Sections 3 and 4 of the D.P. Act.
3. Petitioner No. 1, Shanti Rani Sarkar, who is the mother-in-law of the deceased has been charged with offence under Section 498A IPC only read with Sections 3 and 4 of the D.P. Act. So far as the petitioner No. 2, Toton Sarkar (brother-in-law of the deceased) and petitioner No. 3, Jharna Sarkar (married sister-in-law of the deceased) are concerned. They have not been charge-sheeted.
4. As such the present petition is infructuous in respect of the petitioner No. 2, Toton Sarkar and petitioner No. 3, Jharna Sarkar.
5. Taking into consideration the allegation against the petitioner No. 1, Shanti Rani Sarkar and the charge, it is directed that the petitioner No. 1, Shanti Rani Sarkar shall surrender before the learned Additional Chief Judicial Magistrate, Buniadpur, Gangarampur, Dakshin Dinajpur within 15 days from today in

the G.R. case No. 516 of 2023 arising out of aforesaid P.S. case. On her appearance and application for bail the petitioner No. 1 shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

6. The learned ACJM is directed to act upon the server copy of this order, if required.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3444 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

