

12.10.2023

ML. 46

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4135 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bamongola** P.S. Case No. **194 of 2019** dated **25.07.2019** under Sections **498A/306/34** IPC corresponding to G.R. Case No. **3224 of 2019** pending before the learned CJM, Malda.

And

In the matter of: **Nila Mallick @ Shila Mallick**

....petitioner.

Mr. Tapan Dutta Gupta

Mr. Parvej Anam

...for the petitioner.

Mr. Bidyut Kr. Roy

Ms. Rita Datta

...for the State.

1. Heard learned Counsel for both the parties.
2. Charge-sheet is stated to have been filed under Section 498A/306/34 IPC against the petitioner (mother-in-law) and the husband of the deceased. The husband of the deceased is stated to be on regular bail.
3. In view of filing of charge-sheet under Section 306 IPC, commission of suicide by the deceased is an admitted fact. The allegation constituting offence under Section 498A IPC is, however, omnibus in nature.
4. In view of filing of charge-sheet custodial interrogation of the present petitioner is not required.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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. 3224 of 2019 arising out of aforesaid P.S. case.

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, Malda 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) 4135 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

