

22.11.2023

SL. 29

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4410 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jangipara** P.S. Case No. **60 of 2023** dated **20.02.2023** under Sections **302/120B/498A** IPC corresponding to G.R. Case No. **405 of 2023** pending before the learned ACJM, Serampore, Hooghly.

And

In the matter of: **Rijiya Khatoon @ Rijiya Begum**

....petitioner.

Mr. Asimes Goswami
Ms. Paulomi Banerjee
Ms. Priyanka Dutta
Mr. Abdus Salam

...for the petitioner.

Mr. Debasish Roy, PP
Mr. Aniket Mitra
Ms. Jonaki Saha

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioner being the mother of the deceased is alleged to have given poison to her son and she herself also took poison owing to some family trouble. The petitioner, however, survived and the 1 year 11 months old son of the petitioner died. In the fitness of thing, the petitioner should have been charge-sheeted under Sections 309 and 302 IPC. This is, however, a matter to be looked into by the learned Trial Court on the basis of materials in the case diary.
3. Charge-sheet is stated to have been filed in the meantime and we do not find any justification of custodial interrogation.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, the fact that the petitioner is a lady and completion of investigation, it is directed that the petitioner shall surrender before the learned

Additional Chief Judicial Magistrate, Serampore, Hooghly within 15 days from today in the G.R. case No. 405 of 2023 arising out of aforesaid P.S. case. 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 including the condition that:

- i) The petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
5. The learned ACJM, Serampore, Hooghly is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 4410 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

