

19.12.2023
ML. 78
Court No. 29
Suvayan
(Partly Allowed)

C.R.M. (A) 4735 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Paikar** Police Station Case No. **294/2023** dated **02.10.2023** under Sections **498A/302** of the IPC read with Sections **3/4** of the D.P. Act corresponding to G.R. case No. **1525 of 2023**.

And

In the matter of: **Pinki Majhi & Anr.**

....petitioners.

Mr. Bitasok Banerjee

...for the petitioners.

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the witnesses recorded under Sections 161 and 164 Cr.P.C. Petitioner No. 1, Pinki Majhi has been arrested in the meantime.
3. This petition for anticipatory bail in respect of said petitioner No. 1, Pinki Majhi is dismissed as not pressed.
4. So far as petitioner No. 2, Hasi Majhi is concerned she is stated to be the aunt-in-law of the deceased, who admittedly committed suicide. There are some statements by the neighbors alleging harassment and torture meted out to the deceased before her death. In those statements the name of the petitioner No. 2, Hasi Majhi also find mention.
5. In our considered view the allegation against petitioner No. 2 is, however, at the fringe at least *prima facie*. It is submitted by learned Counsel for the State that investigation is almost on final stage and charge-sheet may be filed any time.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner No. 2, nature of

allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner No. 2 shall be released on bail by the Arresting Officer in the event of her arrest in the aforesaid P.S. case 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 No. 2 (Hasi Majhi) is directed to appear before the I.O. for the purpose of investigation as when required from sunrise to sunset till submission of F.F.

7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
8. Within 21 days from today the petitioner No. 2 shall appear before the I.O. along with a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
9. Accordingly, the prayer for the anticipatory bail is partly allowed.
10. The application being **CRM (A) 4735 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)

