

29.11.2023
tkm/ct 28
spl no. 62

C.R.M. (A) 4958 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Debra P.S case no. 470 of 2018 dated 18.80.2018 under sections 498A/306/34 IPC
And

Allowed

In Re : Tota Das @ Toarani Das & Anr. petitioners

Mr. A R Pati
Ms. S Chowdhury

..... for the petitioners

Mr. T K Ghosh
Mr. Asraf Mondal

..... for the State

1. It is submitted petitioner no. 2 has expired. Accordingly, her application for pre-arrest bail is dismissed as infructuous.
2. Petitioner no. 1 is the mother-in-law of the victim lady. She is an elderly person and had not absconded. She prays for anticipatory bail.
3. Learned lawyer for the State opposes the prayer for anticipatory bail.
4. We have considered the materials on record. Victim housewife committed suicide more than 12 years after marriage. Statutory presumptions under section 113A and 113B of the Evidence Act are not attracted to the facts of the case. Petitioner is an elderly lady and there is no chance of abscondence.
5. Under such circumstances we are inclined to grant anticipatory bail to the petitioner.
6. Accordingly, we direct that in the event of arrest, the petitioner no. 1 shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the

satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

7. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

8. The application being CRM (A) 4958 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)