

01.12.2023  
Sl. No.58  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4469 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2023 in connection with Mohanpur Police Station Case No.196 of 2023 dated 18.08.2023 under Sections 498A/304B/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.759 of 2023)

And

In Re: ***Tarulata Dhara***

... .. Petitioner

Mr. Siddhartha Sarkar

... .. for the petitioner

Ms. Faria Hossain

Ms. Mayukhi Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for about 103 days. It is further submitted allegation of torture is improbable. Investigation is complete. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the mother-in-law of the victim who was involved in immoral activities. As the victim protested, she was tortured and she committed suicide.
3. We have considered the materials on record. Circumstances giving rise to torture requires to be assessed during trial. Investigation is complete. Petitioner is a lady and there is no chance of her abscondence. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Tarulata Dhara***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten

thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Datan, Paschim Medinipur subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**