

12.06.2023
SL No.52
Court No.1
Sb/Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 362 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bhaktinagar Police Station Case No. 119 of 2023, dated 18.02.2023 under Sections 498A/304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of : **Sumi Das**

- Petitioner.

Mr. Debajit Kundu

... For the Petitioner.

Mr. Ujjwal Luksom

Mr. Subhasish Misra

... For the State.

1. The Learned Counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased and she has been falsely implicated in the instant case. It is further submitted that the husband of the deceased is in judicial custody and all the FIR named accused persons have been enlarged on anticipatory bail by the Trial Court.
2. The Learned Counsel for the State, in opposing the prayer for bail has produced the postmortem report and the statements of few witnesses recorded under Section 161 of the Cr.P.C..
3. Considering the materials available in the case diary and the nature of involvement of the petitioner in commission of the alleged offence and having regard to the fact that the principal accused is in custody and the FIR named accused persons have been enlarged on anticipatory bail by the Learned Trial Court and that charge sheet

has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary. Accordingly, we **allow** the prayer for anticipatory bail of the petitioner on the following conditions:

- i. In the event of arrest, the accused/petitioner, namely, **Sumi Das**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one whom must be local to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
 - ii. The petitioner shall cooperate with the investigation.
 - iii. The petitioner shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.
4. The application for anticipatory bail is, thus, disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)