

19.02.2024.
62.
Ct.No.28.
as
(Partly
allowed)

C.R.M. (DB) 494 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdaha P.S. Case No.818 of 2023 dated 16.11.2023 under Sections 498A/304B/34 of the Indian Penal Code.

In the matter of : **Abhijit Das & Anr.**

.... Petitioners.

Mr. Tapan Datta Gupta,
Mr. Parvej Anam.

...for the Petitioners.

Mr. Arijit Ganguli,
Ms. Baishakhi Chatterjee.

...for the State.

1. Petitioners are the husband and mother-in-law of the victim wife. It is contended they have been falsely implicated. Investigation is complete. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the bail prayer. She submits victim was assaulted and compelled to consume poison.
3. We have considered the materials on record. Post mortem report notes injuries on the victim. This probabalises torture prior to her death due to poisoning.
4. In view of the aforesaid materials on record and the *prima facie* involvement of the petitioner no.1-husband in the crime, we are not inclined to grant bail to him at this stage.
5. Accordingly, the prayer for bail of the petitioner No.1 is rejected.

6. Owing to the advanced age of petitioner No.2, mother-in-law and as allegations against her are general and omnibus, we are inclined to grant bail to the petitioner No.2.

6. Accordingly, the petitioner viz., **Aparna Das** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyanti, Nadia subject to condition that she 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.

7. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)