

20.06.2024
Court No.29
Item No. 18

Allowed

sg

CRM (A) 1918 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Banshihari Police Station Case No. 113 of 2023 dated 16.05.2023 under Sections 498A/304B/34 of the Indian Penal Code and Section 4 of D.P. Act, pending before the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur.

And

In Re: **Sabita Roy**

Petitioner

Miss. Minoti Gomes
Mazhar Hossain Chowdhury
Miss. Done Sanyal

For the Petitioner

Ms. Amita Gour
Mr. Nirupam Dhali

For the State

1. The petitioner is the mother-in-law of the victim. It is submitted on behalf of the petitioner that there was a romantic relation between the son of the petitioner namely, Amit Roy and the victim. They married. After two years, the victim committed suicide. Allegation of demand of dowry is out and out false. The charge sheet has already been filed. The son of the petitioner Amit Roy was granted bail in CRM (DB) 4155 of 2023 on 20th November, 2023.
2. The learned Counsel for the State opposes the prayer for anticipatory bail and draws our attention to the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure. However, it has been conceded that the charge sheet has been filed and the husband and father-in-law of the victim are on bail.

3. We have considered the materials on record. Considering the nature of involvement of the petitioner in the commission of alleged offence and the fact that there is a romantic relation between her son and the victim which fructified into marriage and subsequently, the victim died as she was alleged to have been subjected to torture for demand of dowry is a matter to be assessed in the backdrop of the attending circumstances of the case. The investigation is complete. There is no chance of abscondance of the present petitioner. Under such circumstances, we are of the view that custodial interrogation of the present petitioner is not required.
4. Accordingly, we direct that in the event of arrest the petitioner namely, **Sabita Roy**, 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 learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur 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 his bail automatically without reference to this court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 1918 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)