

02.07.2024
Court No.29
Item No. 44

Allowed

sg

CRM (A) 2054 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 381 of 2023 dated 02.05.2023 under Sections 498A/306/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In Re: **Doma Das alias Dama Das & Anr.**

Petitioners

Mr. Soupal Chatterjee
Mr. Prabir Kr. Das
Mr. Anupam Das

For the Petitioners

Mr. Rana Mukherjee
Mr. Sudeshna Das

For the State

1. The learned Counsel for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the deceased and they have been falsely implicated. It is further submitted that the husband of the petitioner was arrested and enlarged on bail.
2. The learned Counsel for the State opposes the prayer for the anticipatory bail and produces the case diary.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the post-mortem report which suggests that the death was due to effect of hanging and no external injury is found over any other parts of the body and the fact that the charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **Doma Das alias Dama Das and Nirmala Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that they 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 or commit similar offences in future.
5. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. CRM (A) 2054 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.)