

06.08.2024
Sl No.43
Court No.29
TN
(Allowed)

CRM (A) 2663 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dhantala Police Station Case No. 394 of 2024 dated 21.05.2024 under Sections 498A/304B/34 of the IPC, 1860.

And

In the matter of : **Maheswari Biswas @ Mohaswari Biswas**
.... petitioner

Ms. Sananda Bhattacharyya
....for the petitioner

Ms. Sonali Das,
Mrs. Atulya Sinha
... for the State

1. The petitioner is the mother-in-law of the deceased. It is submitted that the petitioner is innocent and has been falsely implicated.
2. The learned counsel for the State has produced the case diary and the statement of the *de facto* complainant neighbours in order to demonstrate that there has been a continuous demand for dowry and the cause of death was the immediate demand for dowry.
3. Considering the materials available in the case diary and the statement of the mother of the deceased as recorded under Section 161 of the Code of Criminal Procedure, we find that specific allegation has been made against the husband of the deceased on demand of Rs.1 lakh on the date immediately preceding the death by hanging.

4. On such consideration, we are inclined to grant anticipatory bail to the petitioner.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Maheswari Biswas @ Mohaswari Biswas** 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 arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
6. The petitioner shall cooperate with the investigation.
7. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)