

30.08.2024

Court No.29

Item No. 17

Allowed

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CRM (A) 2961 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Keshiary Police Station Case No. 51 of 2024 dated 22.03.2024 corresponding to G.R Case No. 212 of 2024 under Sections 498A/302/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: Jyotsna Barik & Ors.

Petitioners

Mr. Suman Das Adhikary

For the Petitioners

Mr. Sudip Kumar

Mr. Sufi Kamal

For the State

1. The petitioner is the mother-in-law, the petitioner no. 3 is the married sister-in-law and the petitioner no. 2 is the husband of the petitioner no. 3.
2. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is further submitted that the husband and father-in-law of the deceased have been enlarged on bail.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the mother of the deceased recorded under Section 161 Cr.P.C and other independent witnesses in order to show that she was tortured by several persons in the matrimonial home which includes the present petitioner.
4. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and

the post-mortem report, prima facie, shows that the death is suicidal in nature, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Jyotsna Barik, Chandrakanta Maity @ Chandra Maity and Soma Maity** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The **petitioner no. 2** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner nos. 1 and 3** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned **Additional Chief Judicial Magistrate, Kharagpore**, within two weeks from date in connection with **G.R Case No. 212 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. 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)

