

02.09.2024
A-47
Court No.29
TN
(Allowed)

CRM (A) 3013 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Patiram Police Station Case No.136 of 2024 dated 28.05.2024 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: **Dipali Pahan and another**

.... petitioners

Mr. Kaushik Choudhury,
Ms. Busra Khatun

....for the petitioners

Ms. Anasuya Sinha, Ld. APP,
Ms. Shaila Afrin

....for the State

1. The petitioner no.1 is the mother-in-law and the petitioner no.2 is the married sister-in-law. It is submitted that the husband of the deceased is in custody. The petitioners are innocent and have been falsely implicated.
2. The learned counsel for the State in opposing the prayer has produced the case diary and refers to the statement of the neighbours to show that all of them have inflicted mental and physical torture upon the deceased. It is further submitted that the body was cremated without even informing the parents of the deceased.
3. It is, however, submitted that the post mortem report shows that the death is due to effects of hanging ante mortem in nature.

4. 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 having regard to the fact that the husband is already in custody and the present petitioners are female and the investigation has progressed substantially, 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, **Dipali Pahan** and **Saraswati Pahan** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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 petitioners shall cooperate with the investigation.
7. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur within two weeks from date and pray for regular bail.
8. Leave is given to correct the cause title.
9. Accordingly, the application for anticipatory bail is disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)