

19.09.2024
SL No.30
Court No.29
(gc)
(Allowed)

CRM (A) 3364 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 filed in connection with Amta Police Station Case No.90 of 2024 dated 18.05.2024 under Sections 498A/304B/302/406/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act subsequently charge sheeted under Sections 498A/304B/406/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of : **Moumita Dhara & Anr.**

- Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Tusar Hazra,
Mr. Arindam Poali

....For the Petitioner.

Mr. Antarikhya Basu,
Miss. Nahid Ahmed

... For the State.

1. The petitioner no.1 is the maternal aunt-in-law and the petitioner no.2 is the maternal uncle-in-law. It is submitted that they are innocent and they have been falsely implicated.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the alleged death had taken place in their residence and has referred to the statement of two independent witnesses who are neighbours and the statement of the mother of the victim recorded under Section 164 Cr.P.C.
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 juxtaposing the post-mortem report with the statement of the two independent witnesses and the mother, there are apparent discrepancies with regard to the cause of death and

apparently it appears that it was death by hanging and also having regard to the fact that the husband and the father-in-law have been released on bail and, moreover, the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners namely, **Moumita Dhara** and **Bhabesh Dhara**, 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 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.
5. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Amta, Howrah in connection with G.R. Case No.1131 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)