

03.01.2024
Item No.80
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4394 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Taherpur** Police Station Case No. **453/2023** dated **10/09/2023** under Sections **498(A)/304(B) & 34** of the Indian Penal Code.

And

In the matter of : Kalpana Halder

..... petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Imran Ali,

Mrs. Debjani Sahu

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary. Petitioner before us is the mother-in-law of the victim.

Post Mortem Report states that the death was due to unknown poisoning.

Statements of the neighbours under Section 161 of the Criminal Procedure Code levels general and omnibus allegations as against the petitioner.

In such circumstances, we confirm the interim order dated October 16, 2023 passed by co-ordinate Bench.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4394 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)