

05.10.2024
Court No.29
Item No. 34

Allowed
sg

CRM (A) 3613 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Balagarh Police Station Case No. 228 of 2024 dated 16.05.2024 under Sections 498A/406/304B/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Hooghly.

And

In Re: **Kamini Malik**

Petitioner

Mr. Suman Chakraborty

For the Petitioner

Ms. Sukanya Bhattacharya

Mr. Sujoy Sarkar

For the State

1. We have heard the learned Counsel for the parties.
2. The petitioner is the mother-in-law of the deceased. It is submitted that the deceased died within 5 months of marriage. The post-mortem shows that the cause of death is anti-mortem hanging.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and also considering the role ascribed to the petitioner and having regard to the fact that the son of the petitioner being the husband of the deceased is in custody and the materials show that the victim might have committed suicide having suffered emotionally of the rebuke by the husband and in view of the fact that charge sheet has already been filed in the, we are of the view that custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Kamini Malik**, shall be released on bail upon furnishing a bond of Rs.5,000/-

with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.

5. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
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.)