

C. R. M. (A) 3716 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 on 01.10.2024 in connection with Ahmerst Street Women Police Station Case No.1 of 2024 dated 28.02.2024 under Sections 498A/313/406/354/354A/509/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Usha Shaw***

... .. Petitioner

Mr. Dhruv Surana

... .. for the petitioner

Mrs. Sonali Das
Ms. Debjani Sahu

... .. for the State

1. Learned Advocate appearing on behalf of the petitioner submits that the petitioner is innocent of the charges and has been implicated along with other accused persons in respect of a matrimonial dispute between the de-facto complainant and the family members of the in-laws' house. Learned Advocate submits that petitioner happens to be the sister-in-law against whom wild allegations have been levelled for being harassed in connection with the present matrimonial case.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits that there are allegations under Section 313 of the Indian Penal Code.
3. We have considered the case diary along with the locus of the other accused as also the present stage of the case, wherein the Investigating Agency has already concluded the investigation and has submitted a charge sheet before the jurisdictional court. On an assessment of the same, we are of the view since the petitioner is a

lady, her custodial detention or interrogation at this stage is unwarranted.

4. Accordingly, we are pleased to grant anticipatory bail to the present petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely **Usha Shaw**, 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 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, 2023 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.

6. The application for anticipatory bail being CRM (A) 3716 of 2024 is thus allowed.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Uday Kumar, J.)

(Tirthankar Ghosh, J.)