

01.02.2024

Serial no. 68
Anticipatory bail
[Rejected]
Dd

CRM (A) 5336 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Beliabera** Police Station Case No. **71** of **2023** dated **16.07.2023** under Sections **498A/304B/34** of the Indian Penal Code, 1860 and Sections 3/ 4 Dowry Prohibition Act. (G.R. Case No. 696/2023)*

-And-

In the matter of : **Namita Dey**

... ..**Petitioner**

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha, Advocates
... .. For the Petitioner

Mr. Shekhar Barman, Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is the sister-in-law of the victim. There is a child of 9 years to the petitioner. In the event, anticipatory bail is not granted, the entire family will be ruined and that the child will face hardship.

Learned advocate for the State draws the attention of the Court to the materials in the case diary including statement recorded under Section 164 of the Criminal Procedure Code of the father of the victim also to the Order dated January 4, 2024 passed in CRM (A) 4577 of 2023.

We gave our anxious consideration to the passionate plea of the petitioner.

We find from the case diary that the father of the victim recorded a statement under Section 164 of the Criminal

Procedure Code implicating the petitioner in the incident of demand for dowry and torture.

The victim consumed poison. She was alive for nine days thereafter. She was carrying a foetus.

It is normal for a lady to confide in her parents as to the torture being meted to her and particularly to her father.

Statement of the father of the victim cannot be overlooked at this stage.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 5336 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)