

22.04.2024
SL No.198
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 301 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Matelli Police Station Case No.184/2021, dated 25.10.2021 under Sections 302/34 of the Indian Penal Code and Charge sheet submitted under sections 314/120B of the Indian Penal Code.

And

In the matter of : **Shanti Mahali**

- Petitioner.

Mr. Debajit Kundu

... For the Petitioner.

Mr. Ujjwal Luksom,

Mr. Subhasish Misra

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated.
2. The learned Counsel for the State submits that the victim became pregnant by the son of the accused and the victim was hospitalized by the accused along with her son where she succumbed along with stillborn baby and there are incriminating materials regarding death of the victim lady due to alleged act of the petitioner. However, it is not disputed that the son of the present petitioner was granted bail on 4th February, 2022.

3. Considering the materials available in the case diary, the post-mortem report which shows cause of death as profused bleeding at the time of delivery of the still baby and the nature of involvement of the petitioner in the commission of the alleged offence and having regard to the fact that the charge-sheet has already been filed, the custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the present accused/petitioner, namely, **Shanti Mahali**, 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, Jalpaiguri arising out of Matelli Police Station Case No.184/2021 and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner shall appear before the learned trial Court within a month from the date of passing of this order.
5. The application for anticipatory bail is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)