

02.05.2024
Court No.01
Item No. 65
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (A) 391 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalpaiguri Women Police Station Case No. 24 of 2024 dated 16.3.2024 under Sections 498(A)/304B/34 of the Indian Penal Code,1860.

And

In Re: **Sandhya Roy**

Petitioner

Mr. Arnab Saha

For the Petitioner

Mr. Kallol Acharjee

Mr. Biswarup Roy

For the State

1. Heard the learned counsel for the parties.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. On perusal of the entire materials placed before this Court we find that the present accused petitioner is the mother-in-law of the deceased.
4. We have also perused the P.M report of the victim where the autopsy surgeon expressed the following view with regard to the case of death of the deceased.

“Death was due to the effects of asphyxia, resulting from pulmonary edema, in a subject with diseased heart. Further opinion, if any, may be given after receipt of FSL report.”

5. In view of the report as submitted by the autopsy surgeon, we are inclined to grant anticipatory bail to the present accused petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the petitioner shall meet the Investigating Officer as and when called for till the submission of the final report.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. CRM (A) 391 of 2024 is, thus, disposed of.
9. 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)