

02.04.2025
Court No.28
Item No.24
ssi

CRM (A) 1062 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Dhaniakhali** P.S. Case No.**33 of 2019** dated **21.02.2019** under Sections **498A/304B** of the Indian Penal Code.

And

In the matter of: **Mamtaj Khatun @ Mamtaj Bibi.**

....Applicant/Petitioner.

Mr. Gazi Faroque Hossain

Ms. Varsha Roy

...for the petitioner.

Md. Anwar Hussain

Ms. Baishakhi Chatterjee

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the sister in law of the victim deceased. She was staying at her in law's place at the relevant time. At present, she has a 2 ½ years old minor daughter to look after. The main accused being the husband and other in laws were arrested and are on bail. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer and relies on the case diary and submits as follows. The death took place within a year of marriage. The petitioner was named in the FIR. There are statements of neighbours which have taken the name of the petitioner. Particularly, there is a pre-occurrence witness who had taken the name of the petitioner, among others, to have assaulted the victim on the fateful night. It is not that the petitioner was not aware of the proceedings. Her first anticipatory bail application was rejected by the Session Court in 2019 and the second one in 2025.

In view of the materials present in the case diary, especially the statement of a pre-occurrence witnesses at page 54 of the case diary and the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner.

In view of the above, the prayer for anticipatory bail is rejected.

(Jay Sengupta, J.)