

26/09/2025
D/L - 14
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3105 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Goghat police station case no. 291 of 2025 dated 9.7.2025 under Sections 85/316(2)/103(1) of the BNS.

In the matter of: Maya Mal & Ors.

...Petitioners.

Mr. Deb Kr. Sharma
Mr. Satya Prakash Shaw

...for the petitioners.

Mr. Arijit Ganguly
Ms. Baisali Chatterjee

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The petitioners are the parents-in-law and the married sister-in-law of the alleged victim. The husband and another co-accused were arrested. The incident happened after 7 years of marriage of the victim. However, it was only after 75 days from the date of death that the de-facto complainant moved an application before the learned Magistrate pursuant to which the present FIR was registered.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that although the no dying declaration was recorded during the victim's stay at the hospital for about 7 days, the mother of the

victim claimed that the victim had made a verbal dying declaration before her implicating the petitioners. He also submits that there is no other mark of injury available on the dead body as per the *post-mortem* report.

3. Considering the fact that although the case is apparently based on an alleged verbal dying declaration made by the victim before her mother, the FIR was lodged by way of complaint before the Magistrate after about 75 days from the date of incident and the fact that two other co-accused including the husband were arrested, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.
4. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner no. 2 shall meet the Investigating Officer once a fortnight till submission of report in final form.
5. Accordingly, the application for anticipatory bail is allowed.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)