

28.07. 2025
Item No. 06
g.b.
Ct. No. 04

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.M (R) 39 of 2025

In re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Code of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of General Register Case No. 153 of 2025 originated from Dinhata Women Police Station Case No. 29 of 2025 dated 02.04.2025 under Sections 85/80 (2) of the BNS, 2023 read with Sections 3 /4 of the Dowry Prohibition Act, 1961.

And

In Re : **Mousumi Saha Poddar**
... Petitioner.

Mr. Arnab Saha
Md. Shoaib Akhtar
...For the petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das
....For the State

1. This application, CRM(R) 39 of 2025, has been filed by the petitioner, Mousumi Saha Poddar, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. She seeks bail in connection with Dinhata Women Police Station Case No. 29 of 2025, dated April 2, 2025.
2. Mr. Arnab Saha, the learned advocate representing the petitioner, submits that the petitioner is the sister-in-law of the deceased, Oli Biswas. She typically resides at her matrimonial home, which is located away from her parents' house. The petitioner has been in custody since April 1, 2025, the date her

sister-in-law, Oli Biswas, committed suicide at the petitioner's father's house.

3. The Investigating Officer submitted the chargesheet on May 29, 2025, and never sought police remand for the petitioner during the investigation. Notably, the father-in-law of the deceased was released on bail after the chargesheet was filed. Furthermore, her sister Seema, Seema's husband, and the petitioner's own husband have all been granted anticipatory bail.
4. Mr. Saha argues that there is no direct incriminating material against the petitioner. He emphasizes that she is the mother of two children who need her care and affection, and she has already been in custody for 161 days. Therefore, he requests that bail be granted under any suitable conditions.
5. Per contra, Mr. Ujjwal Luksom, the learned Advocate for the State, vigorously opposes the bail application. He asserts that there is sufficient material against the petitioner, as evidenced by the statement of Anjali Nayar, recorded by the Investigating Officer, which can be found on page 51 of the case diary.
6. I have meticulously considered the rival contentions presented by the learned counsels for both parties. I have also given due consideration to the undisputed facts, the period of detention, and the fact that other accused persons have been released on bail.

7. Regarding the legal position on bail, especially after the completion of the investigation and the filing of the chargesheet, it is noted that charges have not yet been framed against the accused, and the trial has not commenced. Based on the material available on record, it appears that custodial trial is not necessary. Furthermore, the petitioner has two children who require her love, care, and attention.
8. In view of these facts and circumstances, particularly the period of detention already undergone by the petitioner, I am convinced that her continued detention is not warranted.
9. Accordingly, the petitioner, Mousumi Saha Poddar, is directed to be released on bail upon furnishing a bond of ₹10,000 (Rupees Ten Thousand Only) with two sureties of the like amount out of them one must be local, on the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata, and subject to the following stringent conditions -
 - a) The petitioner shall appear before the Court of the learned Additional Chief Judicial Magistrate, Dinhata, on each and every date fixed for the trial of the case. Any single unexcused absence on the part of the petitioner shall automatically result in the cancellation of this bail, and the learned Trial Court shall be at liberty to issue appropriate coercive processes for her apprehension without further reference to this Court.

b) The petitioner shall not leave the territorial jurisdiction of the District of Cooch Behar without obtaining prior express leave from the Court of the learned Additional Chief Judicial Magistrate, Dinhata.

c) If any travel outside this specified jurisdiction becomes necessary, a reasoned application must be submitted to the learned Trial Court at least 72 hours in advance.

d) The petitioner shall not, directly or indirectly, tamper with the evidence or in any manner influence, coerce, or threaten any witness connected with the case.

e) The petitioner shall cooperate fully with the trial proceedings and shall not seek unnecessary adjournments or obstruct the expeditious disposal of the case in any manner whatsoever.

f) The petitioner shall provide her permanent and current residential addresses, along with a functional contact number, to the Court and the Investigating Officer, and shall promptly inform them of any change in these details within 24 hours.

10. It is explicitly clarified that any breach of the aforesaid conditions shall automatically lead to the cancellation of bail granted to the petitioner, and she shall be liable to be taken into custody forthwith upon an application moved by the prosecution or *suo motu* by the learned Trial Court or this Court.

11. Accordingly, the C.R.M.(R) 39 of 2025 stands disposed of.

12. An urgent Photostat certified copy of this order, if applied for, shall be supplied to the parties on an urgent basis after completion of all necessary formalities.

(Uday Kumar, J.)