

28.09.2020
Sl. No.38
akd
[PARTLY
ALLOWED]

C. R. M. 7070 of 2020 [via video conferencing]
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 15.09.2020 in connection with Asansol North Police Station Case No. 278 of 2019 dated 28.09.2019 under Sections 498A/302/304B/120B of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: **Nooraisa Bibi & Ors.**

... .. Petitioners

Mr. Kallol Kumar Basu .. Advocate

Mr. Debapriya Samanta .. Advocate

... .. for the petitioners

Mr. Swapan Banerjee .. Advocate

Mrs. Sima Biswas .. Advocate

... .. for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioners that petitioner no.1`is the married sister-in-law while petitioner nos.2 & 3 are the wives of the brothers-in-law of the victim-housewife. It is further submitted that the petitioners resided separately from the victim-housewife.

Learned advocate appearing for the State produces the case diary and opposes the prayer for anticipatory bail.

We have considered the materials on record including the dying declaration of the victim-housewife. It appears that the victim has implicated her mother-in-law and a sister-in-law who had set her on fire.

The address of the victim-housewife recorded in the dying declaration is Moujuri near Sitala Bypass which corresponds to the address of the petitioner no.1 in the application. However, it appears that petitioner nos.2 & 3 reside at a different place from the victim-housewife. Accordingly, we are not inclined in granting pre-arrest bail to petitioner no.1.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.1 namely, **(1) Nooraisa Bibi** is rejected.

However, keeping in mind the attending facts and circumstances of the case particularly the fact that petitioner nos.2 & 3 appear to reside at a different place from the address cited in the dying declaration of the victim-housewife, we are of the opinion that custodial interrogation of the petitioner nos.2 & 3 is not necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner nos.2 & 3 namely **(2) Rukhsana Bibi & (3) Amena Bibi**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)

