

15.10.2020

CRM 7797 of 2020

Court No. 12
Item No. 26
ss

(anti-bail partly
allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 114 of 2020 dated 10.04.2020 under Sections 341/325/326/307 & 34 of the Indian Penal Code.

and

In the matter of: **Subia Bibi @ Supiya Bibi @ Supriya Sekh @ Supiya**

Sk. & anr.

..... Petitioners

Mr. Sumanta Das, Advocate

.....for the Petitioners

Mr. Goutam Wilson, Advocate

..... for the State

Petitioners undertake to affirm and stamp the petition/ application as per Rules within one month of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

The learned Advocate for the petitioners submits that there is a family dispute between the accused and the victim's family and the instant case is a counter-blast to the earlier case launched by the accused against them. It is further submitted that the petitioners have been wrongfully implicated in the instant case though the alleged prime accused have been arrested and in custody.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the petitioners' role can be ascribed from the statement of eye-witness recorded under Section 161 of the Code of Criminal Procedure.

After hearing the submissions advanced by the respective Counsel and on perusing the materials available on record including the statement of the eye-witness, we do not think that it is a fit case where the custodial interrogation of the petitioner no.1, Subia Bibi @ Supiya Bibi @ Supriya Sekh @ Supiya Sk., is necessary. The

prayer for anticipatory bail pertaining to the petitioner no.2, Saharuk Sekh, is hereby rejected based on the incriminating material.

The prayer for anticipatory bail of petitioner no.1, Subia Bibi @ Supiya Bibi @ Supriya Sekh @ Supiya Sk is, thus, allowed and the prayer for anticipatory bail of petitioner no.2, Saharuk Sekh, is rejected.

Accordingly, we direct that in the event of arrest, the petitioner no.1, Subia Bibi @ Supiya Bibi @ Supriya Sekh @ Supiya Sk, be released on bail upon furnishing a bond of Rs.5,000/- (Rupees five thousand only), with two sureties of like amount, 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 being **CRM 7797 of 2020** accordingly **disposed of.**

(Shampa Sarkar, J.)

(Harish Tandon, J.)