

DI. December
20. 4, 2020

C.R.M. 9764 of 2020

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 344 of 2020 dated July 12, 2020 under Sections 447/302/120B of the Indian Penal Code;

And

In the matter of : Janak Bibi ...petitioner.
Versus
State of West Bengal ...opposite party.

Mr. Debapriya Samanta,
...for the petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta,
...for the State.

We have heard the learned advocates appearing for the parties.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within forty eight (48) hours of resumption of normal functioning of the Court. Subject to such undertaking, the application for anticipatory bail is taken up for hearing.

The learned advocate for the petitioner submits that the petitioner has been implicated on the foundation that she happens to be the mother of one of the accused. The learned advocate for the petitioner further submits that the petitioner being a lady and the charge sheet having been submitted, the custodial detention of the petitioner may not be warranted in the facts and circumstances of the case.

The learned advocate appearing on behalf of the State opposes the prayer for anticipatory bail and submits that there are statements appearing against the present petitioner wherein her role has been described when the offence being committed.

We have perused the case diary, which includes statements recorded under Section 161 of the Code of Criminal Procedure as well as under Section 164 of the Code. On an assessment of the evidence, prima facie, we are of the view that the role of the present petitioner has not been consistently stated/narrated by all the witnesses, more particularly, the eye-witnesses. Having regard to this fact, we are of the opinion that the petitioner may be granted the benefit of doubt at this stage for the limited purpose of not being taken into custody. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest of the petitioner, namely, **Janak Bibi**, she shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees then thousand) only with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

This order of anticipatory bail shall remain valid till January 8, 2021.

The application for anticipatory bail being C.R.M. 9764 of 2020 is disposed of.

dc & dns (**Tirthankar Ghosh, J.)**

(**Subrata Talukdar, J.)**