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19-05-2021
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Court 28

C.R.M. 1030 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 23 of 2020 dated 14.01.2020 under sections 498A/306/34 of the Indian Penal Code.

Kohinur Bibi
Versus
State of West Bengal

Allowed Mr. Arup Kr. Bhowmick, Adv.

Mr. P.K. Dutta, Adv.
Mr. Pradipta Ganguly, Adv.

...for the petitioner.

...for the State.

It is submitted on behalf of the petitioner that the petitioner is the mother-in-law of the victim and is innocent. The husband and the father-in-law of the victim have been granted bail earlier. The charge-sheet has also been submitted.

The State refers to the case diary including the statement of witnesses under Section 161 of the Code of Criminal Procedure and opposes the prayer for anticipatory bail.

We have considered the materials on record and it appears that the charge-sheet has already been submitted in this case under Section 498A/306/34 of the Indian Penal Code. Similar allegation has been levelled against the petitioner as well as the co-accused who are on bail. The petitioner is the mother-in-law of the victim who committed suicide within one and half years of her marriage.

Having considered the materials available before us as well as the extent of complicity of the petitioner in the alleged offence and in view of the fact that the charge-sheet has already been submitted, we are inclined to hold that custodial interrogation of the petitioner is not required and she may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Kohinur Bibi shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)