

15.09.2021
Item no.20
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 1398 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 03.02.2021 in connection with Nalhati Police Station Case No. 267 of 2020 dated 27.12.2020 under Sections 498A/307/120B of the Indian Penal Code and subsequently adding Section 302 of the Indian Penal Code.

And

In the matter of : Sajahan Sk. & Ors.

.....Petitioners.

Mr. Bitasok Banerjee, Advocate,
.....for the Petitioners.

Mr. Saswata Gopal Mukherji, Ld. P.P.,
Mr. Partha Pratim Das, Advocate,
Mrs. Manasi Roy, Advocate,
.....for the State.

Learned advocate for the petitioners submits that the petitioner nos.1 and 2 have already been taken into custody. accordingly, he is not pressing this application for anticipatory bail on behalf of petitioner no.1 (Sajahan Sk.) and petitioner no.2 (Tarimun Bibi).

This application stands dismissed as regards the petitioner nos. 1 and 2.

The petitioner no.2 is the married sister-in-law of the victim lady. She got married and left her parental house and started leaving in her matrimonial home. After she left her parental house, the victim got married and moved into the victim's matrimonial home. At all material times therefore, the petitioner no.3 resided separately from the victim.

The victim succumbed to burn injuries. In her dying declaration she has specifically implicated her parents-in-law who are petitioner nos. 1 and 2 herein. As per the dying declaration, the petitioner no.2 did not have any role to play in the victim being set on fire by the petitioner nos. 1 and 2.

We have seen the material in the case diary. On an overall assessment of the facts and circumstances of the case and considering the extent of possible complicity of the petitioner no.3 in the alleged offence, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner 3 may not be necessary so long as she co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Sarjin Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1398 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)