

24.11.2021
Court No.32
rpan / **110**

CRM No. 1542 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: **Babu Mia @ Babu Miah & Another**

- Petitioners

Mr. Mazahar Hossain Chowdhury
...For the Petitioners.

Ms. Sukanya Bhattacharya,
Mr. N. Dhali
...For the State

Apprehending arrest in connection with Gangarampur Police Station Case No. 419 of 2020 dated 01.12.2020 under Sections 498A/302/109 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Chowdhury, learned advocate appearing for the petitioners submits that he does not want to press the application for the petitioner no.1. In view thereof, the application, so far as the petitioner no.1, namely, **Babu Mia @ Babu Miah** is concerned, is dismissed as 'not pressed'.

He further submits that the petitioner no.2 has been falsely implicated. No overt act has been attributed to her. The principal accused persons, being the husband and the brother-in-law of the victim lady had already been arrested. In the said conspectus, custodial interrogation of the petitioner no.2 is not necessary.

Mr. Dhali, learned advocate appearing for the State opposes the prayer of the petitioner no.2 and draws our attention to several

documents in the case diary, including the statements of the witnesses, as recorded under Section 161 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner no.2 in the alleged offence, we are of the opinion that her custodial interrogation is not necessary, more so when she is a lady and there is no likelihood that she would interfere with the investigation or flee from justice.

In view thereof, we allow this application and direct that in the event of arrest, the petitioner no.2, namely, **Manowara Bibi** shall be released on bail upon furnishing two registered sureties of ₹5,000/- each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 1542 of 2021 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)