

28.05.2021
SL No.63
Court No.28
(GB)

**CRM 1961 of 2021
(Via Video Conference)**

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

And

In the matter of: **Himala Bibi @ Himalai Bibi.**

....Petitioner.

Mr. Sarwar Jahan.

...for the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.

... for the State.

Apprehending arrest in connection with Domkal Police Station Case No. 336 of 2020 dated 07.07.2020 under sections 341/325/326/307/302/34 of the Indian Penal Code, the present application has been preferred.

Mr. Jahan, learned advocate appearing for the petitioner submits that there was a long-standing dispute between the parties and the petitioner, who is a lady and aged about 40 years, has been falsely implicated. No overt act has been attributed to the petitioner and a co-accused person similarly situated with the petitioner had already been granted anticipatory bail by the learned sessions Court. Upon completion of investigation charge-sheet has also been filed and in view thereof, custodial detention of the petitioner is not warranted in the facts and circumstances.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code.

We have heard the learned advocates appearing for the respective parties and have perused the documents in the Case Diary. Prima facie, it appears that no overt act has been attributed to the petitioner and another co-accused person, who is also a lady, had been granted anticipatory bail by the learned sessions Court. In the said conspectus, as investigation has already been

completed and charge-sheet has been submitted, we are of the opinion that custodial interrogation of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Himala Bibi @ Himalai 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 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. 1961 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.

(Tapabrata Chakraborty, J.)

(Shampa Sarkar, J.)