

CRM 2803 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No.12 of 2021 dated 07-01-2021 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Serju Seikh & Ors.

.... Petitioners.

Mr. Ayan Bhattacharyya,
Mr. Bitasok Banerjee

... For the Petitioners.

Mr. Rana Mukherjee,
Mrs. Sujata Das

... For the State.

Learned advocate for the petitioners submits that he has instructions not to press this application for anticipatory bail on behalf of petitioner nos.1, 3 and 4. It is put on record that the petitioner nos.3 and 4 have already been taken into custody. The application is dismissed as regards petitioner nos.1, 3 and 4.

Insofar as petitioner no.2 is concerned, learned advocate submits that she has no direct implication in the incident. The incident is a fall out of family dispute. It is the petitioner no.1 who is stated to be the prime assailant.

We have seen the statements of witnesses in the Case Diary. We have seen the injury report. The injury suffered by one of the victims is simple in nature. It does not appear that the petitioner no.2 has direct implication in the murder of the deceased victim. These are all *prima facie* observations for the purpose of this application only.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner no.2 in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner no.2 may not be necessary so long as she cooperates with the Investigation Officer.

Accordingly, in the event of arrest, the petitioner no.2, namely, **Suktara Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner no.2 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner no.2 fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2803 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.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**