

CRM 3031 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No.570 of 2020 dated 30-10-2020 under Sections 302 and 34 of the Indian Penal Code.

- A n d -

In the matter of : Halima Bibi & Anr.

.... Petitioners.

Mr. Khalid Hasan,
Mr. Abhijit Singh

... For the Petitioner.

Ms. Faria Hossain,
Mr. Aniket Mitra

... For the State.

The charge is of murder. Section 34 of the Indian Penal Code has also been pressed into service against the accused persons.

The petitioners say that they are falsely implicated. They have no role to play in the murder of the victim.

We have seen the statements of witnesses in the Case Diary. One of the witnesses records the presence of the petitioners at the place of occurrence, but does not attribute any specific overt act to these petitioners. The petitioner no.1 is a lady of about 48 years of age and the petitioner no.2 is a senior citizen, 68 years old. The main assailant has been named in the statements of witnesses. He is in custody. Charge Sheet has been submitted.

On an overall assessment of the facts and circumstances of the case and the material on record and considering the extent of possible complicity of the petitioners

in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners, namely, **Halima Bibi and Abu Sk**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioners fail 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 3031 of 2021 is, thus, **allowed**.

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.)**