

29.09.2021
Item no.60.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3370 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No.358 of 2020 Dated 03.10.2020 under Sections 498A/326/307/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act

And

In the matter of : Sakina Bibi @ Sakhina Bibi

.....Petitioner.

Ms. Minoti Gomes,
Mr. J. I. Hossainfor the Petitioner.

Mr. Bidyut Kr. Ray,
Ms. Rita Duttafor the State.

The petitioner is the sister-in-law (jaa) of the victim lady, who is alleged to have been set on fire and who succumbed to the burn injury.

The petitioner says that she had absolutely no role to play in the death of the victim. It is true that the victim and the petitioner resided in the same house and there used to be occasional exchange of words, but the petitioner never treated the victim cruelly or never meted out any torture to the victim.

The State draws our attention to various statements of witnesses. The State says that there is a dying declaration of the

victim. However, we are unable to find any such declaration in the case diary.

Charge sheet has been submitted against this petitioner only under Sections 498A/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

On an overall assessment of the material in the case diary and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely Sakina Bibi @ Sakhina 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 C.R.M. No.3370 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.)

