

CRM 4001 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bolpur Police Station** Case No. **49 of 2021** dated **26.02.2021** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Shamera Khatun Bibi @ Shamera Bibi
.... Petitioner.

Mr. S. K. Dan,
Mr. S. Dutta,

... For the Petitioner.

Mr. M. Sur, Ld. APP,
Mr. D. Pramanik,

... For the State.

The petitioner is one of several accused persons. The allegation is that the victim used to live together with the petitioner's daughter and her family. The charge against the accused persons is of murdering the victim. The petitioner says that her daughter, who is the prime accused, is in custody. The petitioner had no role to play in the alleged offence. She is prepared to fully cooperate with the Investigating Officer.

We have seen the statements of witnesses in the case diary. This petitioner has not been specifically implicated. The witnesses seem to be saying that being tortured by the petitioner's daughter, the victim consumed poison.

On an overall assessment of the facts and circumstances of the case and 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 may not be necessary so long as she cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Shamera Khatun Bibi @ Shamera 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.

In the event the petitioner 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 4001 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.**)