

CRM 4955 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Jannatun Bibi & Anr.**

..... petitioners

Ms. Minoti Gomes
Mr. Jisan Iqbal Hossain

.....For the petitioners

Mr. P. K. Datta, Ld. APP
Mr. Santanu Deb Roy

.....For the State

Apprehending arrest in connection with Sagardighi Police Station Case No. 123/2021 dated 25.03.2021 under Sections 302/34 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the allegations levelled against the petitioners are omnibus in nature and they have been implicated due to a previous enmity. The petitioner no. 1 is the sister of the principal accused. The petitioner no. 2, is the mother of the principal accused and is aged about 50 years. There is no possibility that the petitioners would flee from justice. The principal accused has already been enlarged on bail and upon completion of investigation charge sheet has also been submitted and as such custodial interrogation of the petitioners is not necessary.

Mr. Datta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to

several documents in the case diary, including the statements recorded under Section 164 of the Code of Criminal Procedure.

We have heard learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, possibility of implication of the petitioners due to previous enmity cannot be totally ruled out. There is also no likelihood that the petitioners would flee from justice or delay the trial by abscondence. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted, more so when upon completion of investigation, charge sheet has already been filed.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Jannatun Bibi** and **Alenur Bibi @ Asinur Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioners shall reside within the jurisdiction of the Sagardighi Police Station and they shall not tamper with the evidence and/or intimidate the

witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 4955 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)