

07.12.2021
Item no.183
Court No.32
Avijit Mitra

C.R.M. 5062 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Mousumi Aktar Banu @ Mousumi Bibi
.... petitioner

Mr. Kaushik Chaudhury,
Ms. Bushra Khatoon
....for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan
..... for the State

Apprehending arrest in connection with Harirampur Police Station Case No.59 of 2019 dated 04.04.2019 under Sections 498A/326/307/34 of the Indian Penal Code subsequently added Sections 498A/306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chaudhury, learned advocate appearing for the petitioner submits that the petitioner is the sister-in-law of the victim lady and she has been falsely implicated. No overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the son of the victim lady.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the incident was of the year 2019 and upon completion of investigation chargesheet has also been submitted. The petitioner is a lady and *prima facie*, there is no likelihood that she would delay the trial by abscondence. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mousumi Aktar Banu @ Mousumi Bibi**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to 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 with further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 5062 of 2021 is 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.)