

Court No.
28
Item 32
ssi

16.12.
2021

C.R.M. 5086 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chakdah Police Station case no. 305 of 2021 dated 11th July 2021 under Sections 304/34 of the Indian Penal Code.

In Re: Papiya Gan.

....petitioner

Mr. Shibaji Kumar Das

....for the petitioner

Mr. Neguive Ahmed, Ld. APP

Ms. Zareen Nasema Khan

...for the State

It is submitted on behalf of the petitioner that she is wife of the principal accused. She did not play any role in the alleged crime.

Learned Additional Public Prosecutor opposes the prayer for bail. He submits that the deceased during her lifetime had lodged complaints against the petitioner and her husband over ill-treatment. The petitioner and her husband were present in the house where the deceased suffered homicidal death.

We have considered the materials on record. The petitioner and her husband used to occupy the house where the deceased suffered homicidal death. During her life time, the deceased had lodged complaints against the petitioner and her husband alleging ill-treatment.

In view of the aforesaid facts and the gravity of the offence, we are of the opinion that custodial interrogation to unravel the genesis of the case and/or collect further evidence is necessary and this is not a fit case to grant anticipatory bail.

The prayer for anticipatory bail is rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)