

03.12.2021
Court No.32
rpan / **180**

C.R.M. 5195 of 2021

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

And

In re: **Amina Bibi**

- Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
....for the Petitioner.

Mr. Saibal Bapuli,
Mr. Aroni Bhattacharya,
Mr. Bibaswan Bhattacharya
....for the State.

Apprehending arrest in connection with English Bazar Police Station Case No.137 of 2020 dated 19.12.2020 under Sections 498A/304B/34 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioner, submits that the petitioner is the grand mother-in-law of the victim lady. She is presently aged about 65 years. Upon completion of investigation charge sheet has also been submitted wherein charge against the petitioner is only under Section 498A of the Indian Penal Code, 1860. No overt act has been attributed to the petitioner. In the said conspectus, custodial interrogation is not necessary.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the dying declaration and statements of the witnesses.

Heard the learned advocates and considered the materials in the case diary.

It appears that in the dying declaration the petitioner has not been implicated. She is an aged lady and *prima facie*, there is no likelihood that she would flee from justice or interfere with the investigation.

In view thereof, we are of the opinion that custodial interrogation is not warranted, more so when, upon competition of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Amina 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. She shall also attend the learned court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5195 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.)