

20.09.2021
tkm/ct 29
sl no. 35

C.R.M. 5931 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nakashipara P.S Case no. 624 of 2020 dated 7.12.2020 under sections 498A/307/34 of the IPC

And

In Re : Tahamina Khatun Bibi

..... petitioner

Mr. Prabir Majumder
Mr. S Majumder

..... for the petitioner

Mr. Sudip Ghosh
Mr. B Banerjee

..... for the State

Petitioner seeks anticipatory bail.

Petitioner seeks parity with that of other co-accused persons who were granted anticipatory bail.

Learned advocate for the petitioner submits that in the order granting anticipatory bail, the co-ordinate Bench observed that the husband of the deceased is the principal accused. He also submits that since police submitted charge sheet, further custodial interrogation of the petitioner is not necessary.

Learned advocate for the State opposes the prayer for anticipatory bail and draws attention of this Court to the dying declaration of the deceased. He submits that the deceased in the dying declaration named her husband and the petitioner herein as the persons involved.

Considering the materials in the case diary and considering the dying declaration of the deceased, we are inclined to hold that the petitioner does not stand on the same footing with that of the other co-accused persons who were granted anticipatory bail by the co-ordinate Bench.

Under such circumstances, prayer for anticipatory bail is rejected.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)