

10.12.2021
Item no.216
Court No.32
Avijit Mitra

C.R.M. 6350 of 2021

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

And

In Re : Hena Khatun

.... petitioner

Mr. Suman Chakraborty

....for the petitioner

Ms. Faria Hossain,

Ms. Baishali Basu

..... for the State

Apprehending arrest in connection with Khanakul Police Station Case No.319 of 2021 dated 12.08.2021 under Sections 498A/304B/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is the married sister-in-law of the victim lady and she resides in her matrimonial house. She has been falsely implicated in the alleged incident. The allegations are omnibus in nature. Two co-accused persons have already been granted anticipatory bail by the learned Sessions Court. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not warranted.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code and the *post-mortem* report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, 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 necessary, more so when, upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Hena Khatun**, 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 a further condition that the petitioner shall attend the learned Trial Court on all the dates as fixed 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.6350 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.)

