

SL. 32
10.11. 2021.
rc
(Allowed)

CRM 6909 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on October 25, 2021 in connection with Gangarampur Police Station Case No. 325 of 2021 dated August 22, 2021 under Sections 498A/302/304(B)/34 of the Indian Penal Code.

In the matter of : Nasren Bibi

... petitioner

Mrs. Jeenia Rudra
Mrs. Sahili Dey

..... for the petitioner.

Mr. Debabrata Chatterjee
Mrs. Sonali Das

..... for the State.

Mr. Ashim Kumar Chakraborty
Mr. Sajal Kanti Bhattacharjee
Mr. Sarthak Burman

....for the De-facto Complainant

The Advocate-on-Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Gangarampur Police Station Case No. 325 of 2021 dated August 22, 2021 under Sections 498A/302/304(B)/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The mother-in-law of the victim lady has filed the instant application for anticipatory bail on the ground of

parity. The husband of the petitioner has already been extended the benefit under Section 438 of the Code of Criminal Procedure by the learned Session Judge.

Learned counsel appearing on behalf of the State invited our attention to the material available from the Case Diary that the allegation of commission of suicide by the victim lady is omnibus against all.

Learned counsel appearing on behalf of the petitioner submits that there is no specific allegation against the petitioner nor specific role has been attributed to her conduct.

Learned counsel for the de-facto complainant opposes the prayer for bail by intervening at the time of hearing of the application and submits that the victim lady committed suicide within three months of the marriage. There was constant torture both physically and mentally which led to such a drastic decision to be taken by her and, therefore, the petitioner should not be extended the benefit of Section 438 of the Code of Criminal Procedure.

After hearing the respective counsels and additionally seeing the statement of the witnesses under Section 161 of the Code of Criminal Procedure and the fact that the husband of the petitioner has already on anticipatory bail we do not find any justification in refusing the similar prayer to the petitioner as the allegations are omnibus against all. Solely on the ground of parity the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, on condition as laid down under Section 438(2) of the Code of Criminal Procedure. Default of any solitary occasion without any justifiable cause shall disentitle the petitioner to the privilege of Section 438 of the Code of Criminal Procedure granted by this Court.

The application for anticipatory bail being **CRM 6909 of 2021** is thus **allowed**.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)