

CRM 7558 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Maheda Khatun @ Maina Bibi**
@ Maina Khatun

..... petitioner

Mr. Krishan Roy
Mr. Pronojit Roy

.....For the petitioner

Ms. Faria Hossain
Ms. Baisali Basu

.....For the State

Apprehending arrest in connection with Kaliyaganj Police Station Case No. 467 of 2021 dated 04.09.2021 under Sections 498A/304B/34 of the Indian Penal Code read with under Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Krishan Roy, learned lawyer appearing for the petitioner submitted that there is general allegation of omnibus nature against the present petitioner. No overt act is attributable. The petitioner is falsely implicated and living in separate mess in the same village. The present petitioner has no connection with the alleged offence. Accordingly, anticipatory bail is prayed for as she is a lady and custodial detention is not necessary.

Per contra, learned lawyer representing the State submitted that incriminating elements are there in the case diary. The statement of the present petitioner contains enough incriminating elements connecting the alleged

petitioner to the alleged crime. investigation is still pending. Therefore, the learned lawyer opposed the anticipatory bail.

We have perused the case diary and heard the rival submissions. We have also perused the statement of witnesses where name of the present petitioner features, but all the statements are omnibus in nature without specifying any role or indicating any specific event or incident attributable to the present petitioner creating a nexus therein.

On perusal of the case diary and other materials and considering the extent of incriminating elements, we are of the considered opinion that custodial detention for any incrimination is not necessary in view of the extent of incriminating materials.

Accordingly, in exercise of our discretion, we allow the instant application and direct that in the event of arrest the petitioner, namely, **Maheda Khatun @ Maina Bibi @ Maina Khatun** 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, 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 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

Court below 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 7558 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.)