

23.12.21
(S.R.)
Sl.231
Ct.32

CRM No.7632 of 2021

Via video conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Karandighi** Police Station Case No.227 of 2020 dated 22/04/2020 under Sections 498A/313/34 of the Indian Penal Code;

And

In re: Mabiara Bibi @ Mariara Bibi & Anr. ... petitioners.

Mr. Jisan Iqubal Hossain

... for the petitioners.

Ms. Kum Kum Mitra

...for the State.

The learned lawyer for the petitioners submitted that the *de facto* complainant has falsely implicated the present petitioners. The husband is on bail. Charge sheet is filed. Therefore, it is not necessary to detain the present petitioners who are mother-in-law and father-in-law, in custody. Our attention is drawn to a letter written by the *de facto* complainant dated 25.07.2021 annexed to the present application where she stated that she is living with her husband and is not interested to prosecute the present petitioners.

Per contra, the learned lawyer representing the State submitted that strong incriminating elements present in the case diary implicate the present petitioners with the alleged incident. She strongly opposes the bail accordingly. Although, charge sheet has been filed.

We have heard rival submissions and perused the case diary. We have perused the medical report dated 20.04.2020 of Government Medical College where the victim was treated, along with other documents and statements of witnesses and we find strong incriminating elements therein against the present petitioners implicating them directly to the commission of the alleged offences.

Considering the seriousness of offence and its gravity, extent of incriminating materials against the present petitioners, we are not inclined to allow anticipatory bail even though charge sheet has been filed and the same stands rejected. The petitioners should surrender before the concerned CJM/ACJM, as the case may be, and will apply for regular bail.

The application for anticipatory bail being CRM No.7632 of 2021 is, accordingly, dismissed.

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.)