

CRM No.9508 of 2020
(via video conference)

28.04.21

(S.R.)
Sl.01
Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kumarganj Police Station Case No.165 of 2018 dated 16.08.2018 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act (G.R. Case No.630 of 2018);

And

In re: Anoyara Bibi

... petitioner.

Mr. Koushik Choudhury

... for the petitioner.

Mr. Neguive Ahmed, APP

Mr. Rudradipta Nanay

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner is the sister-in-law of the deceased. He has been falsely implicated in the alleged incident which occurred about 18 months after the marriage of the petitioner's brother with the deceased. Co-accused persons, who are similarly situated with the petitioner, had already been granted anticipatory bail. Upon completion of investigation charge sheet has been submitted on 15th February, 2020 and as such, custodial interrogation/detention of the petitioner is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. The reports filed by the Sub-inspector of police, Harirampur Police Station, as produced, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary which *prima facie*, reveal that the petitioner is similarly situated with her sister, who had already been granted anticipatory bail. On the ground of parity and since upon completion of investigation charge sheet has

been submitted, we are of the opinion that custodial interrogation/detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Anoyara Bibi** 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, 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.

This order of anticipatory bail will remain in force for a period of four weeks from date. Within the said period, the petitioner shall appear before the jurisdictional Court and pray for regular bail. The learned Court will be at liberty to impose conditions to secure the presence of the petitioner in course of trial.

Personal appearance of the officer-in-charge of the concerned police station is dispensed with.

Accordingly, the application for anticipatory bail being CRM No.9508 of 2020 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)