

11.03.2021
Item no.52
Court No.28
Avijit Mitra

C.R.M. 10948 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bhagwangola Police Station Case No.477 of 2020 dated 11.10.2020 under Sections 323/325/313/34 of the Indian Penal Code;

And

In Re : Halima Bibi @ Halima Khatun Bibi & anr.

.... Petitioners

Mr. Debapriya Samanta

...for the petitioners

Mr. N.P. Agarwala,

Mr. Ashok Das

...for the State

Learned advocate appearing for the petitioners submits that the petitioner no.1 is the sister-in-law and the petitioner no.2 is the brother-in-law of the victim lady. The allegations levelled against them are unfounded and they have been falsely implicated. The principal accused namely Sk. Sadi Sk., who is another brother-in-law of the victim lady, had already been enlarged on bail. Upon completion of investigation chargesheet has also been filed and as such, custodial interrogation of the petitioners is not necessary.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the medical reports and other documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, injury report and the

extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the instant case. Accordingly prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Halima Bibi @ Halima Khatun Bibi and Mithun Sk. @ Majrul Sk.**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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, 1973.

Accordingly, the application being C.R.M. No.10948 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)