

12.03.2021
Item no. 84
Ct.04
PG

C.R.M. No.11115 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Salboni Police Station Case No. 129 of 2020 dated 04.03.2020 under Sections 498A/304B/34 of the Indian Penal Code

And

In the matter of:- Fultusi Singha Hui
... petitioner

Mr. Tushar Kanti Har
Mr. Somnath Chakraborty.....for petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen ..for State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Fultusi Singha Hui is taken up for hearing and order.

Liberty is granted to correct the date in the cause title of the petition.

It is submitted on behalf of the petitioner that she is the married sister-in-law of the victim and resides elsewhere with her husband. Her residential house is far away from that of the matrimonial home of the victim.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and refers to the case diary.

It appears that the petitioner is the married sister-in-law of the victim and ordinarily resided in a house away from that of the

victim at the time of the alleged incident. Her presence in the victim's house on the date of alleged incident is not found in the case diary. Allegation against the petitioner is general in nature and material available in the case diary does not justify her detention. Having considered the materials in the case diary, we are of the opinion that custodial interrogation of the petitioner is not required in the facts of the case.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 438 (2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11115 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

