

27.09.2021
Court No.01
Item No. 10
Allowed
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**C.R.M. 288 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Merjina Bibi @ Merjina Khatun @ Marjina Khatun**
Petitioner

Mr. Sudip Guha

For the Petitioner

Mr. Arun Kumar Sarkar

Mr. Sagnik Sankar Sikdar

For the State

Apprehending arrest in connection with Sahebganj Police Station
Case No. 527 of 2020 dated 21.11.2020 under sections 306/34 of the
Indian Penal Code, the petitioner has filed the present application.

Mr. Guha, learned advocate appearing for the petitioner, submits
that the petitioner married the victim about ten years ago and she has
a daughter, which is presently aged about five years. The allegations
levelled against her are absolutely unfounded. Upon completion of

investigation, charge sheet has also been submitted and in view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Sarkar, learned advocate appearing for the State, opposes the petitioner's prayer and submits that there are incriminating materials against the petitioner, who had intentionally aided and instigated her husband to commit suicide. In support of such contention, Mr Sarkar has drawn our attention to the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the fact that the petitioner has a child, who is presently aged about five years, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner namely, **Merjina Bibi @ Merjina Khatun @ Marjina 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, 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, being C.R.M. No. 288 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.

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)