

24.08.2021

Court No.28
Item No.18

Akd
&
As

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI

CRM 362 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 Cooch Behar Kotwali Police Station Case No. 798 of 2018 dated 27.12.2018 under Sections 498A/304B of the Indian Penal Code;

And

In the matter of : **Sakiya Bibi @ Safiya Bibi**
...Petitioner

Mr. Hillol Saha Podder.

...For the Petitioner

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee.

...For the State.

Apprehending arrest in connection with Cooch Behar Kotwali Police Station Case No. 798 of 2018 under Sections 498A/304B of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Admittedly all other co-accused have been released on bail because of the statutory interdict, as the prosecution could not file the charge sheet within the statutory period provided therefor.

The present petitioner is the mother-in-law of the deceased lady and filed the instant application for anticipatory bail in connection with the aforementioned case. The case was initiated on an unfortunate incident of death of the victim lady by burn injury. The omnibus allegation against all is that they poured kerosene oil on her body and set her ablaze.

The charge sheet has already been submitted.

In view of the fact that the other co-accused, who stand on the same pedestal that of the petitioner, had been enlarged on bail, we do not find any justification in custodial interrogation of the present petitioner.

The prayer for anticipatory bail is thus allowed.

Accordingly, in the event of arrest, the petitioner 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 of the concerned police station subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioner shall attend the Court on each day of its listing.

It is made clear that failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner to the privilege of pre-arrest bail. It shall be open to the concerned Court to cancel the liberty granted to the petitioner in the instant order without any further reference to this Court.

The application for anticipatory bail, being CRM 362 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Md. Nizamuddin, J.)