

27.09.2021
Court No.01
Item No. 45
Allowed
Krishnendu

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

**C.R.M. 964 of 2021
(Via Video Conference)**

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

And

In Re : **Esama Khatun**

Petitioner

Mr. Hillol Saha Podder

For the Petitioner

Mr. Kallol Acharjee

Ms. Namrata Das

For the State

Apprehending arrest in connection with Samuktala Police Station Case No. 205 of 2020 dated 02.10.2020 under sections 498A/306 of the Indian Penal Code, 1860 the petitioner has filed the present application.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner is an aged lady of 61 years. She along with her husband were not sharing the mess with their son and the victim.

The allegations levelled against the petitioner are unfounded and the complaint pertaining to the incident was lodged by the cousin brother of the victim. There is no likelihood that the petitioner would flee from justice and upon completion of investigation, charge sheet has also been submitted. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Ms. Das, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears from the record that other co-accused persons, including the husband of victim, had already been granted anticipatory bail by a co-ordinate Bench of this Court on 4th February, 2021 in C.R.M. 188 of 2021.

Having considered the nature of accusations and as there is no likelihood that the petitioner would flee from justice, we are of the

opinion that the custodial interrogation of the petitioner is not necessary, more so when, upon completion of investigation, charge sheet has already been submitted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Esama 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. 964 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)

