

01.10.2021
Court No.01
Item No. 31
rpan

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

C.R.M. 975 of 2021

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

And

In Re : **Habiba Khatun**

- Petitioner

Mr. Sayan De (through v.c.),
Mr. Sampad Das,
Mr. Kaustuv Shome,
Mr. Kanjilal Sayan,
Ms. Esha Acharya
... for the petitioner
Mr. Tapan Bhattacharjee,
Mr. Biswarup Roy
... for the State

Apprehending arrest in connection with Phasidewa Police Station Case No. 274 of 2021 dated 19.06.2021 under Sections 498A/306 of the Indian Penal Code, the petitioner has filed the present application.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. She is presently 26 years of age and she is pursuing a master degree course. The principal accused, being the brother of the petitioner, had already been arrested. Another co-accused, being the first wife of the petitioner's brother, had been granted anticipatory bail by a coordinate Bench of this Court. In said conspectus, custodial interrogation of the petitioner is not warranted.

Mr. Bhattacharjee, learned advocate appearing for the State, opposes the petitioner's prayer and submits that investigation is

still continuing and in view of the statements of the witnesses, as recorded under Section 161 of the Code of Criminal Procedure, the direct involvement of the petitioner in the alleged offence cannot be ruled out.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, the petitioner's culpability is not explicit from the materials on record. The allegations are omnibus in nature. Considering that she is pursuing her post-graduate course and that denial of anticipatory bail may spoil her educational career, we are inclined to exercise discretion in her favour, more so when, *prima facie*, there is no likelihood that she would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Habiba 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. 975 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)

