

28.01.2022
Ct. No. 32
42
sdas

C. R. M. (A) 56 of 2022
[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: *Momena Bibi & Ors.*

... .. Petitioners

Mr. Navanil De
Ms. Ayantika Roy
Mr. Subhrajit Dey

... .. for the petitioners

Mr. Arijit Ganguly
Mr. Avik Ghatak

... .. for the State

Apprehending arrest in connection with Kharagpur Town Police Station Case No. 618 dated 05.11.2021 under Sections 447/323/325/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioners, submits that the petitioners no. 1,2,6 and 7 are female family members. They alongwith other petitioners have been falsely implicated in a dispute which occurred pertaining to construction of a laboratory between two families. Pertaining to the same incident a complaint has also been lodged by the petitioner no. 2 herein against the *de facto compliant*. Allegations are omnibus in nature and in the said conspectus custodial interrogation is not necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the

statements of the witnesses as recorded under Section 161 as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Momena Bibi* (2) *Fulsum Bibi* (3) *Sk. Muktar @ Sheikh Mukhtar @ Sk. Mokhtar* (4) *Sk. Saddam* (5) *Sk. Aktar @ Sk. Akhtar* (6) *Sona @ Sona Bibi @ Sonia Bibi @ Soni Khatun* and (7) *Sayera Bibi @ Saira Bibi* shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be a 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 with a further condition that the petitioners no. 3,4 and 5 shall meet with the investigating officer once in a week till the investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM (A) 56 of 2022 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)