

04.02.2022

Court No.32

SM,J.

rpan / **24**

CRM (A) 141 of 2022

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

And

In Re: **Banu Khatun @ Banu Bibi & 3 Others**

- Petitioners

Ms. Minoti Gomes,

Mr. Arup Sarkar

... for the Petitioners.

Mr. Debabrata Chatterjee,

Mr. M. Sarkar,

Ms. Debjani Sahu

... for the State

Apprehending arrest in connection with Chanchal Police Station Case No. 578 of 2020 dated 16.07.2020 under Sections 498A/323/325/376/313/34 of the Indian Penal Code, the petitioners have filed the present application, praying for anticipatory bail.

Ms. Gomes, learned advocate appearing for the petitioners submitted that the main allegation is against the father-in-law, who is not the petitioner herein. The allegations against the petitioners are baseless, unsubstantiated and omnibus in nature. Charge sheet has been filed. Therefore, according to Ms. Gomes, custodial detention for interrogation is not necessary. Anticipatory bail is, accordingly, prayed for.

Per contra, Ms. Sahu, learned advocate representing the State submitted that there are incriminating elements against the present petitioners, as appear from the statements of the victim

girl recorded under Sections 161 and 164 of the Code of Criminal Procedure as well as from the statements of other witnesses. She further submitted that the petitioners are absconding. Therefore, even if the charge sheet has been filed, anticipatory bail should not be granted to them.

We have heard rival submissions. Perused the C.D.

On perusal of the C.D. and other materials on record, we found that the allegations against the petitioners are omnibus in nature. There is no mention of any specific overt act in this regard. Injury report does not corroborate the allegations raised. No order of proclamation is passed against the petitioners.

On perusal of the C.D. and other materials on record and considering the presence of incriminating elements and the complicity of the present petitioners, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Banu Khatun @ Banu Bibi, Md. Babu Saddam @ Babu Saddam, Nur Ekramul Islam @ Mithu and Runa Laila @ Runa Layla** shall be released on bail upon furnishing two registered sureties of Rs.10,000/- by each of the petitioners, 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 they will not leave the jurisdiction of Chanchal Police Station without permission of the Inspector-in-Charge of the same Police Station, until further orders.

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

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

The application for anticipatory bail, being CRM (A) 141 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.)