

CRM(A) No.175 of 2022

Via video conference

01.02.22

(S.R.)

Sl.64

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bagnan** Police Station Case No.343 of 2021 dated 16/07/2021 under Sections 498A/302/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act;

And

In re: Sahida Begam @ Saira Begam

... petitioner.

Mr. Rupam Mukhopadhyay

... for the petitioner.

Mr. Imran Ali

Ms. Sujata Das

...for the State.

Heard the learned lawyer for the petitioner and perused the case diary.

Charge sheet has been filed in this case. There are *omnibus* allegations of torture without mention of any specific instance. The allegation in the written complaint is not corroborated by the post mortem report in as much as no other external injury is there except the ligature mark. Allegation of strangulation is not corroborated by the post mortem report. *Prima facie*, there is nothing to show in the post mortem report that the victim was strangled and killed to death. Since, charge sheet has been filed and investigation is complete custodial detention for interrogation of the present petitioner, being a lady, is not necessary.

Therefore, we are inclined to allow anticipatory bail on 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not intimidate the

witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel her bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.175 of 2022 is, accordingly, 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.)