

CRM (A) 205 of 2022
(via video conference)

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

In the matter of : **Ummea Habiba Khatun @ Habiba Khatun & Ors.**

..... petitioners

Mr. Mazahar Hossain Chowdhury

.....For the petitioners

Mr. S. S. Imam

Mr. Sandip Kundu

.....For the State

Apprehending arrest in connection with Kushmandi Police Station Case No. 135 of 2021 dated 01.09.2021 under Sections 498A/302/304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961, the present application has been preferred.

Mr. Chowdhury, learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 2 are the sisters-in-law of the victim. The petitioner no. 3 is the wife of the brother-in-law of the victim and the petitioner no. 4 is the maternal uncle-in-law of the victim. They all have been falsely implicated in an alleged incident which occurred about 2½ years after the marriage of the victim lady. The allegations are omnibus in nature. There is no suicidal note. The principal accused being the husband of the victim has already been arrested. He further submits that the petitioner no. 1 is suffering from physical disability and

there is also no possibility that the petitioners would flee from justice.

He further submits that other co-accused persons, similarly situated with the petitioner, had already been granted anticipatory bail by this Court.

Mr. Imam, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses, as recorded under Section 161 of the Code and the post mortem report. Answering our query he submits that investigation is still continuing.

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

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Ummea Habiba Khatun @ Habiba Khatun, Serin Akhtar Banu, Reshma Parvin** and **Mayjaddin Ahammad** 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 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 with a further direction that the petitioners shall cooperate with the investigation.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 205 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.)