

27.01.2022

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Ct. No. 29

KAUSHIK

Allowed

**C.R.M.(A) 228 of 2022
(through Video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **278** of **2019** dated **15.11.2019** under Sections 498A/302/120B of the Indian Penal Code, 1860.

And

In Re : Serina Bibi @ Selina bibi

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, two other co-accused were granted anticipatory bail. He submits that, the petitioner stands in the same footing as that of the other two co-accused.

Learned advocate appearing for the State submits that, the petitioner is the second wife of the husband of the deceased. The petitioner was present at the time of the incident. The petitioner cannot claim parity as that of the other co-accused granted anticipatory bail.

Considering the materials in the case diary and considering the gravity of the offence and the involvement of the petitioner therein, we are of the view that the petitioner can

claim herself to be on a different footing than that of the husband of the deceased and can justifiably claim parity with that of the other co-accused granted anticipatory bail. Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the Investigating Officer as and when required till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)