

15.02.2022
Item no. 18
Court No.32
Avijit Mitra

C.R.M. (A) 231 of 2022

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

And

In Re : Serina Bibi & ors.

.... petitioners

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Arup Sarkar

....for the petitioners

Mr. Arijit Ganguly,
Mr. Avik Ghatak

..... for the State

Apprehending arrest in connection with Pukhuria Police Station Case No.198 of 2021 dated 06.06.2021 under Sections 498A/302/304B of the Indian Penal Code, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioner nos.1, 2 and 3 are the married sisters-in-law of the victim, the petitioner no.4 is the mother-in-law and the petitioner no.5 is the aged father-in-law of the victim. They have been falsely implicated in an incident which occurred about five years after the marriage. The married sisters-in-law were residing at a separate mess. There is no possibility that the petitioners would flee from justice. The principal accused being the husband of the victim was arrested and was subsequently granted regular bail. In the said conspectus, the petitioners may be granted anticipatory bail.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as well as the *post-mortem* report.

He further submits that investigation is still continuing.

Prima facie, the allegations appear to be omnibus in nature. No specific overt act has been attributed to the petitioners. The petitioner nos. 1 to 4 are female members of the family and the petitioner no.5 is the aged father-in-law of the victim and as such, *prima facie* there is no possibility that they would flee from justice or delay the trial by abscondence. In view thereof, custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Serina Bibi, Fensi Bibi @ Alam Tara, Angura Bibi @ Angura, Sundari Bibi @ Sundari and Samsul Hoque**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 231 of 2022 is 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.)