

CRM (A) 282 of 2022
(via video conference)

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

In the matter of : **Hasina Begum @ Rajani Begum**
..... petitioner

Mr. Rabi Sankar Chatterjee
Mr. Santanu Maji

.....For the petitioner

Mr. Aniket Mitra

.....For the State

Apprehending arrest in connection with Galsi Police Station Case No. 631 of 2021 dated 04.12.2021 under Sections 498A/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is the sister-in-law of the victim and she has been falsely implicated in the alleged offence which occurred after seven years of the victim's marriage. No specific overt act has been attributed to the petitioner and as such, custodial interrogation may not be necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the dying declaration of the victim and the statement of the minor daughter of the victim, as recorded under Section 164 of the Code as well as the post mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, no specific overt act has been attributed to the petitioner. She is a female family member and *prima facie*, there is also no possibility that she would flee from justice or delay the trial by abscondence. In view thereof, her prayer for anticipatory bail is allowed.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Hasina Begum @ Rajani Begum** shall be released on bail upon 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 tamper with the evidence and/or intimidate the witnesses. She shall also attend learned Court below on all the dates, as specified for hearing.

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

The application for anticipatory bail, being CRM (A) 282 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.)