

CRM (A) 288 of 2022
(via video conference)

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

In the matter of : **Tumpa Khatun & Anr.**

..... petitioners

Mr. Asraf Mandal

.....For the petitioners

Mr. Tanmay Kr. Ghosh
Ms. Sonali Bhar

.....For the State

Apprehending arrest in connection with Kaliganj Police Station Case No. 406 of 2021 dated 27.07.2021 under Sections 448/376D/506 of the Indian Penal Code, the present application has been preferred.

Mr. Mandal, learned lawyer appearing for the petitioners submitted that the present petitioners are ladies. The present petitioners have nothing to do with the major allegations levelled against the other accused. They have no complicity in the alleged offence. Since charge sheet has been filed, custodial detention is not necessary. Accordingly, anticipatory bail is prayed for on any stringent condition.

Per contra, Mr. Ghosh, learned lawyer appearing for the State invited our attention to the statement of the victim and the injury report and other materials available in the case diary and strongly opposed the prayer for anticipatory

bail. However, he candidly submitted that charge sheet has been filed.

We have perused the case diary and the statement of the victim, as recorded under Sections 161 and 164 of the Code of Criminal Procedure and heard the rival submissions.

The role of the present petitioners is not there in commission of the alleged offence. Nothing shows that the present petitioners have done any overt act in commission of the actual principal offence. Since charge sheet has been filed, custodial detention is not necessary. Accordingly, we are inclined to allow the prayers of the present petitioners.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Tumpa Khatun** and **Munifa Bibi @ Manija Bibi** 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.

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

The application for anticipatory bail, being CRM (A) 288 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.)