

01.03.2022

Court No.32
rpan/10

C.R.M. (A) 374 of 2022

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

And

In re: **Marjina Bibi**

- Petitioner

Mr. Debasish Banerjee,
Mr. Subrata Saha,
Mr. A. Biswas
... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Aniket Mitra
... for the State.

Apprehending arrest in connection with Patiram Police Station Case No.157 of 2021 dated 02.10.2021 under Sections 363/365/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Heard the learned advocates appearing for the respective parties. It appears that the petitioner herein is the mother of the principal accused, who is already in custody. We have perused the statement of the victim lady, as recorded under Section 164 of the Code. *Prima facie*, no specific overt act has been attributed to the petitioner, who happens to be a female member of the family and there is no possibility that she would flee from justice and delay the trial by abscondence. In view thereof, we are of the opinion that the petitioner's custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has already been filed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest the petitioner, namely, **Marjina Bibi**

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 attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court 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) 374 of 2022 is, thus, allowed.

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.)