

03.03.2022

Item no.9
Court No.32

ss

C.R.M.(A) 420 of 2022

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

And

In Re : Najema Khatun & ors.

.... Petitioners

Mr. Pronojit Roy

Mr. Sudip Guha

....for the petitioners

Mr. Tapandeb Nandy

Mr. Antarikhya Basu

..... for the State

Apprehending arrest in connection with Itahar Police Station Case No.214 of 2021 dated 07.05.2021 under Sections 341/325/304/34 of the Indian Penal Code and subsequently adding Section 302 of the Indian Penal Code, the present application is preferred praying for anticipatory bail.

Mr. Pronojit Roy, learned lawyer appearing for the petitioners submitted that the present petitioners are female family members. There is no chance of their fleeing away or absconding. Since charge-sheet has been filed and investigation is complete, custodial interrogation is not necessary. He further submitted that it is not a case of political rivalry. Rather it is a case of family dispute where family members should not be detained in custody more so when they are female. Accordingly, he prayed for anticipatory bail.

Mr. Basu, learned lawyer appearing for the State strongly objected anticipatory bail of the petitioners on the ground that the allegations are grave and serious. The present

petitioners have active complicity in the alleged offence of murder of the husband of the petitioner no.2. According to him, even though charge sheet has been filed on completion of the investigation, the present petitioners should rather surrender and pray for regular bail. He strongly opposed grant of anticipatory bail.

We have heard rival submissions and perused the case diary. Postmortem report mentioned about fifteen injuries on the person of the victim. Statements of the neighbours and other witnesses recorded under Sections 161 and 164 of the Code, *prima facie*, clearly and unequivocally indicate assault on the person of the victim with active complicity and participation of present petitioners causing death of the husband of the petitioner no.2 being the victim's first wife.

Considering the seriousness and gravity of the offence and the extent of complicity of the present petitioners in the alleged offence, we are not inclined to enlarge the petitioners on anticipatory bail.

The application for anticipatory bail being C.R.M.(A) 420 of 2022 stands rejected.

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.)