

01.03.2022

Court No.32

rpan/**43**

C.R.M. (A) 442 of 2022

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

And

In re: **Jakia Mondal @ Japi Bibi**

- Petitioner

Mr. Prabir Majumder
... for the Petitioner.

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas
... for the State.

On the prayer of Mr. Majumder, learned advocate appearing for the petitioner, leave is granted to correct the cause title of the application for anticipatory bail.

Apprehending arrest in connection with Chapra Police Station Case No.232 of 2021 dated 05.06.2021 under Sections 304/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Majumder submits that the petitioner is a female family member and she has been falsely implicated in a dispute which occurred between her husband and her brother-in-law pertaining to ancestral property. Upon completion of investigation charge sheet has also been submitted and as such, her custodial interrogation may not be necessary.

Ms. Biswas, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under section 161 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, the statements of the witnesses, as recorded under section 161, of the Code do not reveal that the petitioner assaulted the victim. There was, in fact, a hot altercation between the parties pertaining to ancestral property. As, *prima facie*, there is no possibility that the petitioner, who is a female family member, would flee from justice and delay the trial by abscondence, we are of the opinion that her custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has already been submitted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest the petitioner, namely, **Jakia Mondal @ Japi 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) 442 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.)