

08.03.2022

Court No.32
rpan / 15

CRM (A) 488 of 2022

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

And

In Re.: **Rinu Bibi & Another**

- Petitioners

Mr. Pawan Kumar Gupta,

Mr. Md. Hasanuzzaman

... for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

... for the State.

Apprehending arrest in connection with Minakhan Police Station Case No.291 dated 08.10.2021 under Sections 498A/302/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Gupta, learned advocate appearing for the petitioners submits that the entire case is based upon circumstantial evidence. No specific overt act has been attributed to the petitioners. The principal accused, namely, Samser Sardar has already been granted bail by the learned court below. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioners may not be necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and submits that the victim's husband had an illicit relationship with the petitioner no.2, whose mother is the petitioner no.1. From the statements of the witnesses it would be evident that they had direct involvement in the alleged offence.

Heard the learned advocates and considered the materials in the case diary, including the statements of the witnesses as recorded under Sections 161 and 164 of the Code as well as the post-mortem report.

Prima facie, we find strong incriminating materials on record against the petitioners. The chargesheet has been submitted stating that the petitioners are absconding. Considering the nature of accusations and the possible extent of their complicity in the alleged offence, we are not inclined to exercise any discretion in their favour. As such, their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM (A) 488 of 2022 is, thus, dismissed.

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.)