

CRM(A) No.561 of 2022

Via video conference

08.03.22

(S.R.)

Sl.29

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhimpur** Police Station Case No.163 of 2021 dated 11/06/2021 under Sections 447/326/307/34 of the Indian Penal Code;

And

In re: Rupali Ghosh

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Mr. Bidyut Kr. Roy

Miss. Rita Datta

...for the State.

Mr. Majumder, Learned Lawyer appearing for the petitioner submitted that the co-accused person against whom the main allegation is there is on bail after 121 days custody, by the Learned Court below. The present petitioner is a lady. Since, investigation is complete, custodial interrogation is not necessary. Accordingly, he prayed for grant of anticipatory bail to the present petitioner on any stringent condition.

Miss. Datta, Learned Lawyer appearing for the State strongly opposed the petitioner's prayer on the ground that the allegation is very grave and serious injury was sustained by the victim.

We have heard rival submissions. Perused the case diary.

On perusal of the case diary and other materials, we find that the present petitioner is a lady. Custodial interrogation is not necessary, since investigation is complete. The allegation against the present petitioner is that she handed over the offensive weapons to her husband, which has been recovered. Her role in the alleged offence is secondary.

Accordingly, considering the incriminating materials and complicity in offence, we direct that in the event of arrest the

petitioner will 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 with a further condition that the petitioner shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence 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 would be at liberty to cancel her bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.561 of 2022 is, accordingly, 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.)