

CRM(A) No.573 of 2022

Via video conference

08.03.22

(S.R.)

Sl.32

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nakashipara** Police Station Case No.41 of 2022 dated 16/01/2022 under Sections 498A/306/34 of the Indian Penal Code;

And

In re: Ajmat Sekh & Anr.

... petitioners.

Mr. Amanul Islam

Mr. Sourav Mukherjee

... for the petitioners.

Mr. Imran ali

Ms. Sujata Das

...for the State.

The present application so far as the petitioner no.1 is concerned is dismissed as infructuous, since he has already been arrested.

Mr. Islam, learned advocate appearing for the petitioners submits that the petitioner no.2 is the mother-in-law of the victim. She has been falsely implicated. No overt act has been attributed to her and in the said conspectus, she may be granted anticipatory bail.

Mr. Ali, learned advocate appearing for the State opposes the prayer of the petitioner no.2 and draws our attention to the statements of the witnesses, particularly, that of the child of the victim, as recorded under Sections 161 and 164 of the Code as well as the post mortem report. Answering our query, he submits that there is no suicidal note and investigation is still continuing.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, no specific overt act has been attributed to the petitioner no.2. Considering the nature of accusations and the possible extent of her complicity in the alleged offence, we are of the opinion that custodial interrogation is not necessary. The petitioner no.2 is also a female family member and as such, *prima facie*, there is no

possibility she would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Sona Bibi Sekh @ Bulbuli Sekh Bibi** 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 no.2 shall cooperate with the investigation and shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioner no.2 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner no.2 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.573 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.)