

08.03.2022
Item no. 34
Court No.32
Avijit Mitra

C.R.M.(A) 576 of 2022

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

And

In Re : Rabina Bibi @ Rabina Khatun & anr.

.... petitioners

Mr. Rajdeep Mazumdar,
Mr. Pritam Roy,
Ms. Arushi Rathore,
Mr. Abhijit Singh

...for the petitioners

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata

....for the State

Apprehending arrest in connection with Ratua Police Station Case No.13 of 2022 dated 10.01.2022 under Sections 341/324/325/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mazumdar, learned advocate appearing for the petitioners submits that there was a dispute between two families and the petitioners have been falsely implicated. The allegations are omnibus in nature and in the said conspectus, they may be granted anticipatory bail.

Mr. Mahata, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses, the injury reports and other documents in the case diary. He further submits that investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the allegations appear to be omnibus in nature. Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary. The petitioners are the female family members and *prima facie*, there is no possibility that they would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Rabina Bibi @ Rabina Khatun and Ruksana Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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 petitioners shall cooperate with the investigation.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 576 of 2022 is 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.)