

15.03.2022
Item no. 24
Court No.32
Avijit Mitra

C.R.M.(A) 691 of 2022

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

And

In Re : Bedana Bewa @ Bedana Bibi

.... Petitioner

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Jisan Iqbal Hossain

...for the petitioner

Mr. Arijit Ganguly,
Ms. Sujata Das

....for the State

Apprehending arrest in connection with Daulatabad Police Station Case No.112 of 2021 dated 17.07.2021 under Sections 498A/304B/306/34 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner is the great grandmother-in-law of the victim lady. She is an aged lady and has been falsely implicated. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioner may not be necessary. The principal accused being the husband of the victim lady was arrested and was subsequently enlarged on bail.

Ms. Das, the learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code, the medical documents and the *post-mortem* report.

Answering our query, she submits that there is no dying declaration.

Having heard the learned advocates appearing for the respective parties and considering the nature of accusations, the age of the petitioner and as no specific overt act has been attributed to her, we are of the opinion that custodial interrogation of the petitioner is not necessary more so when, upon completion of investigation chargesheet has been submitted and as *prima facie* there is also no possibility that she would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Bedana Bewa @ Bedana 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.

The petitioner shall not intimidate the witnesses and/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 the petitioner's bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 691 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.)