

13.01.2022

Court No.32
rpan/ 290

C.R.M. 5556 of 2021

[Via video Conferencing]

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

And

In re: **Fuleswari Barman** *alias* **Patli Barman**

- Petitioner.

Ms. Soma Chowdhury Bandhu

Mr. Kushal Paul

... for the Petitioner.

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

Mr. Sudip Ghosh,

Ms. Debjani Sahu

... for the State.

Apprehending arrest in connection with Raiganj Police Station Case No.756 of 2020 dated 12.09.2020 under Sections 302/201/506/34 of the Indian Penal Code, the petitioner has filed the present application.

Ms. Bandhu, learned advocate appearing for the petitioner submits that the complaint was lodged about 15 days after the alleged incident and as such, exaggerated account of the incident cannot be ruled out. The petitioner has been falsely implicated. Amongst other co-accused persons, two have already been granted anticipatory bail. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Mukherjee, learned Public Prosecutor appearing for the State at the inception informs this Court that though the complaint was lodged under Section 302, charge sheet has been filed incorporating Section 306 of the Indian Penal Code, 1860.

He has also drawn our attention to the statements of the wife of the deceased and others, as recorded under Section 164 of the Code. According to him, there are strong incriminating materials against the petitioner and as such, she is not entitled to the relief as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation charge sheet has been submitted. The petitioner is a lady and *prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence. As such, her prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Fuleswari Barman** *alias* **Patli Barman** shall 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.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5556 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)