

04.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3138 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalna** Police Station Case No. **516** of **2022** dated **19.06.2022** under Sections 448/323/379/302/506/34 of the Indian Penal Code, 1860.

And

In Re : Halima Bibi @ Halima Khatun

..... petitioner

Mr. Soumyajit Das Mahapatra
....for the petitioner

Mr. Imtiaz Ahmed
Ms. Shaila Afrin
Ms. Smita Saha
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the husband committed suicide. The petitioner is sought to be falsely implicated.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the materials in the case diary including the post mortem report of the victim.

The post mortem report states that the death was probably due to effects of hanging ante mortem in nature. The post mortem report does not specify any other external or internal injury of the victim, apart from non-contiguous ligature mark on the neck.

Considering the post mortem report of the victim and the relationship between the petitioner and the deceased, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

