

40 25.07.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3514 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **769 of 2020** dated **23/12/2020** under Sections **498A/323/326A/307/34** of the Indian Penal Code.

And

In the matter of: Safera Bibi @ Sufera Bibi

....petitioner.

Mr. Sagar Saha

...for the petitioner.

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the husband was arrested and subsequently enlarged on bail by the jurisdictional Court. The police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure. He submits that the husband poured acid on the victim.

The statement of the victim recorded under Section 161 of the Code of Criminal Procedure contains *omnibus* allegations as against the petitioner. Her specific allegation is against her husband. The husband of the victim was enlarged on bail by the jurisdictional Court. The police filed charge sheet. In such circumstances, 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/- (Rupees Ten Thousand Only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3514 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)