

04.01.2022

Court No.32
rpan / **241**

CRM 7686 of 2021

[through Video Conferencing]

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

And

In Re.: **Munefa Bibi @ Nurefa Bibi**

- Petitioner

Mr. Tapan Dutta Gupta,

Mr. Parvej Anam

... for the Petitioner.

Mr. I. Ali,

Ms. Manasi Roy

... for the State.

Apprehending arrest in connection with English Bazar Police Station Case No.458 of 2021 dated 13.04.2021 under Sections 498A/304B/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner is the married sister-in-law of the victim and she has been falsely implicated. The allegations are omnibus in nature. The victim committed suicide in her paternal house and the ingredients of Section 304B of the Indian Penal Code, 1860 are not attracted against the petitioner. In the said conspectus, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the post-mortem report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations 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, the petitioner is a lady and *prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Munefa Bibi @ Nurefa Bibi**, 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 with a further condition that she will cooperate with the investigation.

It is further directed that the petitioner shall attend the learned court below on all the dates, as 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 7686 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.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)