

CRM 7801 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Jabirun Bibi & Anr.**

..... petitioners

Ms. Minoti Gomes

.....For the petitioners

Mr. S. S. Imam
Mr. R. Jana

.....For the State

Apprehending arrest in connection with Bharatpur Police Station Case No. 169 of 2021 dated 12.06.2021 under Sections 498A/302/304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners are the married sisters-in-law of the victim and they reside in a separate mess and in a different village. They have no nexus with the alleged offence and have been falsely implicated. The principal accused being the husband was arrested and he obtained regular bail. Upon completion of investigation, charge sheet has also been submitted and as such, custodial detention of the petitioners is not warranted.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements

of the witnesses, the post mortem report and the charge sheet.

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 petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary moreso when, *prima facie*, there is no likelihood that they would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Jabirun Bibi** and **Kebirun Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 further direction that the petitioners shall not leave the jurisdiction of Bharatpur Police Station until further orders save and except for attending the learned Court below on the dates specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

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

The application for anticipatory bail, being CRM 7801 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.)