

24.08.2022
Serial no.24
Aloke

CRM (A) 4038 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 439 of 2022 dated 01.05.2022 under Sections 498A/326/328/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

-And-

In the matter of : **Rashida Bibi @ Rasida Bibi & Anr.**

... .. Petitioners

Ms. Minoti Gomes, Advocate

Mr. Mazhar Hossain Chowdhury, Advocate

... .. For the Petitioners

Mr. Bidyut Kr. Roy, Advocate

Ms. Rita Datta, Advocate

... ...For the State

Mr. M. Chatterjee, Advocate

Mr. Debapriya Majumder, Advocate

... .. For the de facto complainant

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the husband was enlarged on bail by the jurisdictional Court. The police filed charge-sheet as well as the supplementary charge-sheet. Therefore, custodial interrogation of the petitioners is not required. She draws the attention of the Court to the statement that the victim made before the doctor while she was being treated.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also the medical examination report of the victim.

Learned Advocate appearing for the de facto complainant submits that the petitioners were instrumental in torturing the victim. He submits that the victim was admitted in the hospital in excess of 15 days and he contends that since child of the victim was with the husband, the victim made such statement before the doctor.

There are apparent discrepancy between the statement made by the victim before the doctor and her statement recorded under Section 164 of the Code of Criminal Procedure as to the persons involved.

The police filed charge-sheet and supplementary charge-sheet. The husband was enlarged on bail by the jurisdictional Court.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 4038 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)