

CRM 8492 of 2021
(via video conference)

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

In the matter of : **Fatema Bibi & Ors.**

..... petitioners

Ms. Jeenia Rudra

.....For the petitioners

Ms. Kum Kum Mitra

.....For the State

Apprehending arrest in connection with Harirampur Police Station Case No. 268 of 2021 dated 27.11.2021 under Sections 447/325/326/307/506/34 of the Indian Penal Code, the present application has been preferred.

Ms. Rudra, learned advocate appearing for the petitioners submits that the petitioner and the de facto complainant are neighbours. A dispute occurred pertaining to user of a landed property and the petitioners have been falsely implicated. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the nature of the injury and the extent of complicity of the petitioners in the alleged

offence, we are of the opinion that their custodial interrogation is not necessary *moreso* when *prima facie* there is no possibility that the petitioners, who are housewives, would flee from justice or would delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Fatema Bibi, Farida Begam @ Bibi** and **Nastain Begum** 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.

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 8492 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)