

18.01.2022
Ct. No. 32
Sl. No.40
sdas

C. R. M. 8579 of 2021
[via video conferencing]

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

And

In Re: *Sima Biswas*

... .. Petitioner

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Sourav Mukherjee

... .. for the petitioner

Ms. Faria Hossain
Mr. Aniket Mitra

... .. for the State

Apprehending arrest in connection with Tehatta Police Station Case No. 612 of 2021 dated 19.11.2021 under Sections 376/417/306/34 of the Indian Penal Code, this application has been preferred by the petitioner.

Mr. Mondal, learned advocate appearing for the petitioner, submits that petitioner has been falsely implicated. There was a love relationship between the petitioner's son and the victim. No specific overt act has been attributed to the petitioner. In the said conspectus custodial interrogation is not necessary, moreso when she is a housewife and there is no possibility that she would flee from justice or delay the trial by abscondence.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the

deceased's sister as recorded under Section 164 of the Code and the post mortem report.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, no specific overt act has been attributed to her. She is a housewife and there is also no possibility that she would flee from justice. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, *Sima Biswas* 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 a local, 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.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel her bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8579 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.)

