

CRM 8695 of 2021
(via video conference)

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

In the matter of : **Setara Bibi**

..... petitioner

Mr. Ashraf Ali
Md. Salauddin
Md. Ahsanuzzaman
Md. Raziuddin
Ms. Sabnam Laskar

.....For the petitioner

Md. Anwar Hossain
Ms. Benajir Hasna

.....For the State

Apprehending arrest in connection with Raghunathganj Police Station Case No. 341 of 2021 dated 01.07.2021 under Sections 498A/302/120B of the Indian Penal Code, the present application has been preferred.

Mr. Ali, learned advocate appearing for the petitioner submits that the petitioner is the married sister-in-law of the victim. She has been falsely implicated and she was not even present at the place of occurrence. She resides at a village which is about 4 km. away from the place of occurrence. No specific overt act has been attributed to the petitioner, who is an aged lady of 55 years and is suffering from several ailments. Upon completion of investigation, charge sheet has already been submitted and in view thereof, custodial interrogation is not necessary.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code. He further submits that there are incriminating materials on record against the petitioner and as such, she is not entitled to the relief, as prayed for.

Heard the learned advocates appearing for the respective parties.

Having considered the materials in the case diary and bearing in mind the nature of accusations in the light of the arguments as advanced by the parties and in view of the fact that upon completion of investigation, charge sheet has been submitted, we are of the opinion that custodial interrogation is not necessary moreso when the petitioner is an aged housewife 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, **Setara 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.

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

also attend learned Court below on all the dates, as specified for hearing.

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 8695 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.)