

27.01.2022.
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Saswata
(Allowed)

**C.R.M. 8982 of 2021
(Through Video Conference)**

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

In the matter of : Namija Bibi @ Najima Bibi @ Anr.
... Petitioners.

Mr. Debasish Banerjee
Mr. Subrata Saha
...for the Petitioners.

Mr. Debabrata Chatterjee
Ms. Debjani Sahu
.....For the State.

Apprehending arrest in connection with Kumarganj Police Station Case No. 170 of 2020 dated 17.10.2020 under Sections 498A/494/325/328/307/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioners submits that the petitioner no. 1 is the mother-in-law and the petitioner no. 2 is the sister-in-law of the victim. They have been falsely implicated in an incident which occurred about 25 years after the marriage of the victim lady. No specific overt act has been attributed to the petitioners. The principal accused being the husband of the victim had been granted statutory bail and the father-in-law of the victim had been granted anticipatory bail by the learned Sessions Court. After completion of investigation, chargesheet has also been submitted.

Ms. Sahu, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 as well as the medical documents.

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, we are of the opinion that custodial interrogation of the petitioners is not necessary more so, when upon completion of investigation, chargesheet has been submitted. Furthermore, the petitioners are the female family members and prima facie there is also no possibility that they would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Namija Bibi @ Najima Bibi & Moslema Khatun**, be released on bail upon furnishing a Bond of ₹10,000/- (Rupees Ten thousand only) 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 attend the learned trial Court on all the dates, as fixed for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial Court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8982 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)