

13.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5803 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1253** of **2022** dated **06.08.2022** under Sections 498A/302 of the Indian Penal Code, 1860.

And

In Re : Babita Rajak @ Babita Sarkar Rajak & Anr.

..... petitioners

Mr. Rana Mukherjee

Mr. Rhiddhiman Mukherjee

....for the petitioners

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Partha Pratim Das

Ms. Manasi Roy

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners lived separately. The husband was arrested. The police filed charge-sheet and, therefore, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the post mortem report of the victim.

The police filed charge-sheet.

The husband is in custody.

Apparently, the petitioners lived separately than the victim, at least, separate from the place where the incident occurred.

Apparently, the materials in the case diary suggest that the allegations as against the petitioners are omnibus and general in nature.

In such circumstances, we 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/- 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

