

21.06.2023
Sl. 181
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2316 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kandi** Police Station Case No. **222 of 2023** dated **24.04.2023** under Sections **302/34** of the IPC.

And

In the matter of: **Rebina Kazi alias Rebina Bibi & Ors.**

....petitioners.

Mr. Sm Samim Ullah

...for the petitioners.

Ms. Anasuya Sinha

Ms. Mayukhi Mitra

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the witnesses recorded under Section 161 Cr.P.C. The husband of petitioner No. 3 is alleged to have been killed by petitioner No. 3 and her parents when petitioner No. 3 was residing in her parental home and the deceased had gone there to bring her back.
3. Going deep to the genesis of the case it is submitted by learned Counsel for State that as petitioner No. 3 was suffering from T.B., she was staying with her parents and on earlier occasion also the deceased had gone there to bring her back but in vein. On those occasions the deceased was abused and threatened by petitioner No. 3 and her family members. It is fairly submitted at Bar that the case is based on circumstantial evidence and the circumstance is that the deceased was seen last in the company of the father of petitioner No. 3 before the dead body was recovered after about 12/13 hours thereafter from near a field in the parental village of petitioner No. 3.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners and especially the nature of evidence, we do not find any justifiability of custodial interrogation of the petitioners and in view of such fact especially the nature of evidence, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Kandi P.S. case No. 222 of 2023 dated 24.04.2023 including the condition that the petitioner Nos. 1, 2 and 3 shall appear before the I.O. for the purpose of investigation as and when required and petitioner No. 4 shall appear before the I.O. for the purpose of investigation once in a week on the day and time fixed by the I.O. till submission of Final Form.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 3 weeks of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O. alongwith a copy of such order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2316 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

