

21.06.2023

Sl. 193

Court No. 29

sdas

(Allowed)

C.R.M. (A) 2328 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Domkal Police Station Case No. 783 of 2022 dated 05.12.2022 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: **Manjura Bibi @ Manjura Khatun Bibi**

....petitioner.

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the petitioner.

Mr. Saswata Gopal Mukherjee, learned PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

1. Heard the learned Counsel for the parties at length. Perused the entire materials as placed before this Court.
2. It is submitted by the learned Counsel for the petitioner that considering the fact that the present accused/petitioner is similarly circumstanced with another co-accused, Mainul Mondal, who is her husband and has already been enlarged on bail vide order dated 08.05.2023 in CRM (DB) 1831 of 2023, the application of anticipatory bail of the present accused/petitioner may be considered favourably.
3. Learned Counsel for the State while opposing the prayer for anticipatory bail of the present accused/petitioner draws attention of this Court to the various materials as available in the Case Diary including the statement of the son of the deceased who is aged about nine years as recorded under Section 164 of the Code of Criminal Procedure.
4. On perusal of the entire materials as available in the Case Diary including the aforementioned statement as recorded under Section 164 of the Code of Criminal Procedure we are

also satisfied that the footing of the accused/petitioner is almost similar to her husband who has already been enlarged on bail in connection with the aforementioned case. Sufficient prima facie materials has also been placed before us that the present accused/petitioner is not the principal accused. Charge-sheet is stated to have been submitted in the meantime.

5. Regard being had to such facts and submissions and considering the facts submitted on behalf of the State that no case has been made out in the event the accused/petitioner is enlarged on anticipatory bail she may abscond and/or she may tamper the evidence, petitioner is directed to appear before the learned Chief Judicial Magistrate, Murshidabad at Beherampur, in connection with G.R. Case arising out of Domkal Police Station Case No. 783 of 2022 dated 05.12.2022 within 15 days from today. On her appearance and application for bail petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2328 of 2023** is disposed of.
8. Learned Chief Judicial Magistrate, Murshidabad at Beherampur, is directed to act on the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

