

20.07.2023
SL. 10
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2365 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **412** of **2023** dated **10.04.2023** under Sections **447/323/325/326/307/34** IPC added Section **302** IPC.

And

In the matter of: **Masuda Bibi @ Khatun @ Masuda Khatun & Ors.**

....petitioners.

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Mr. P. K. Datta, Ld. APP
Mr. Santanu Deb Roy

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the witnesses recorded under Section 161 Cr.P.C. and post mortem report.
3. Post Mortem report speaks of death of the deceased due to head injury. Diljur and Rejaul are alleged to have caused the head injury by a 'kodal' (Spade). So far as the petitioner no. 1 is concerned, she is alleged to have assaulted the deceased but no fatal injury is alleged to have been caused by her assault. So far as the three petitioners before us are concerned, it is alleged that while the fatal injury on the head of the deceased was caused by Diljur and Rejaul, the present petitioner had caught hold of the deceased.
4. Though the prosecution story says about the implication of the present petitioners in the manner as alleged is *prima facie* not believable, the matter may best be left to the wisdom of the trial court. However, we are of the view that all the

petitioners before us may be held liable depending on the progress of trial by aid of Section 34 IPC.

5. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, part played by the petitioners in the entire transaction as discussed supra, the fact that all the petitioners are ladies and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that (i) the petitioners being ladies are directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset; (ii) the petitioners shall not leave the jurisdiction of the P.S. during investigation without obtaining prior permission from the I.O.
6. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2365 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

