

21.08.2023
SL. 13
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2966 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Sagarpara** Police Station Case No. **81 of 2023** dated **30.03.2023** under Sections **302/326/307/109/120B/34** of the IPC.

And

In the matter of: **Jannatun Bibi @ Jalema Bibi**

....petitioner.

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Mr. Anisur Rahman
Mr. Abhijit Singh

...for the petitioner.

Ms. Zareen N. Khan
Mr. Asif Dewan

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the statement of the witnesses recorded under Sections 161 and 164 Cr.P.C.
3. From such statements, we find that though there is mention about the presence of the petitioner during the transaction at the spot, there is no allegation of any specific overt act by any of the witness against her. There is case and counter case between the parties as the transaction arose out of catching of fish from a pond.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence against the present petitioner and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of her arrest 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 condition that:

- i) The petitioner is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till submission of F.F.
- 5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
- 6. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
- 7. Accordingly, the prayer for the anticipatory bail is allowed.
- 8. The application being **CRM (A) 2966 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

