

29.08.2023

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rejected

C.R.M.(DB) No. 3384 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mahishadal Police Station Case No. 265 of 2023 dated 06.05.2023 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Anisha Bibi Petitioner

Mr. Amal Krishna Samanta

....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

..... for the State

1. Learned Counsel for the petitioner submits she is in custody for 114 days. Petitioner submits she is the sister-in-law of the victim lady. She has been falsely implicated. Co-accused have been granted anticipatory bail. She prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had illicit relationship with the husband of the victim lady. Minor child had been strangled and the victim lady died due to hanging. Co-accused who have been granted anticipatory bail do not stand on the same footing with the petitioner.

3. We have considered the materials on record. Petitioner is the sister-in-law of the victim lady. It is alleged that she had an illicit relationship with the husband of the victim lady. Motive to commit the crime is there. Materials on record

show that the victim lady died due to hanging while her daughter had been strangled. Petitioner was present in the house at the time of occurrence. One of the co-accused who was granted anticipatory bail did not ordinarily reside at the matrimonial home where the incident occurred. Other co-accused was not named in the F.I.R. In view of incriminating materials disclosing involvement of the petitioner in the crime she cannot claim parity with them. Under such circumstances and in view of gravity of the offence resulting in death of the victim and her daughter, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)