

03.10.2023
D/L 33
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3964 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.486 of 2023 dated 15.06.2023 under Sections 302/120B of the Indian Penal Code (G.R. No.2621 of 2023).

In the matter of : Nasima Bibi @ Nasrina Bibi
... Petitioner

Md. Sabir Ahmed,
Mr. Tasnim Ahamed,
Mr. Suman Biswas
... for the petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
... for the State

1. Heard learned counsel for the parties.
2. This is a case of murder. The case is entirely based on substantial evidences as found from the statements of the informant recorded under Section 164 Cr.P.C. and two other persons. It is found that one Lokman and the present petitioner had developed relationship with the deceased since three months prior to the death/murder of the deceased. The said Lokman and the present petitioner had also taken Rs.1.5 lakh from the deceased as stated by Lokman in his extra judicial confession. The suspicion against Lokman arose in the mind of the informant, who is the brother of the deceased, when Lokman did not turn up at the time of burial of the

deceased. Then the informant and others went to the house of Lokman. Seeing them, Lokman tried to flee and confessed before them that he, the present petitioner and another person had committed murder of the deceased and they had taken Rs.1.5 lakh from the deceased.

3. Except the aforesaid extra judicial confession, there is no other material worth the credence to connect the present petitioner with the offence but this part of extra judicial confession alleged to have been made before the informant is found absent in the FIR.
4. *Prima facie*, we find that the circumstances pressed by the prosecution collected so far did not make a complete chain unerringly pointing to the guilt of the petitioner who is stated to be living in a far away place from the spot.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 G.R. No.2621 of 2023 arising out of 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:

- i) The petitioner being lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
 - iii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the IO during investigation.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 3964 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)