

20.11.2023

SL. 20

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4298 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **246** of **2021** dated **09.07.2021** under Sections **302/120B** IPC (corresponding to G.R. Case No. 1169 of 2021, pending before the Learned ACJM, Jangipur, Murshidabad).

And

In the matter of: **Serina Bibi @ Selina Bibi**

....petitioner.

Ms. Sreyashee Biswas

Ms. Benajir Hasna

Mr. Ali Ul Islam

...for the petitioner.

Mr. Prasun Kumar Datta, Ld. APP

Mr. Nirupam Dhali

... for the State.

1. Heard learned Counsel for the parties.
2. It is submitted on behalf of the petitioner that the present accused petitioner is the wife of the deceased and the present accused petitioner has got no role in the alleged crime.
3. While opposing the prayer for anticipatory bail, Mr. Datta, learned Additional Public Prosecutor submits before this Court that the present petitioner is the main conspirator to the alleged crime and her role is found to be *prima facie* prominent in course of investigation.
4. From the materials collected in course of investigation and placed before us, it reveals that there are consistent statements of the witnesses that the victim was a habitual drunker. Admittedly, the case is based on circumstantial evidence.
5. Investigation is stated to have been completed in the

meantime and, therefore, we do not find any justification for further custodial interrogation of the present accused petitioner.

6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, in G.R. Case No. 1169 of 2021 arising out of the aforesaid P.S. case within 15 days from today. On her appearance and application for bail, she shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4298 of 2023** is disposed of.
9. Learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

