

19.12.2023
(M/L 94)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4791 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Farakka P.S. case No.199 of 2023 dated 30.04,2023 under Sections 325/326/307/302/34 of the Indian Penal Code (G.R. No.1027 of 2023).

In the matter of : Mariom Bibi @ Mariyam Bibi and anr
... Petitioners

Mr. Ashok Das,
Ms. Sabnam Laskar

... for the petitioners

Mr. Neguive Ahmed,
Ms. Ayantika Ray

... for the State

1. Heard learned counsel for the parties.
2. Both the petitioners being lady are alleged to have taken part in the transaction of the murder of a person which also left two persons injured.
3. From the statement of the two injured witnesses recorded under Section 164 Cr.P.C., it is found that after husbands of the present petitioners assaulted the deceased and the injured persons, the present petitioners used brickbats against the members of the prosecution party.
4. From the statement of the aforesaid witnesses, there is no doubt, materials to show about the participation of the present petitioners in the transaction but on perusal of the post-mortem report, we do not find any material to

ascribe the fatal assault on the deceased to the action of the present petitioners.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and nature of evidence, the fact that both the petitioners are ladies, it is directed that each of the petitioner shall surrender before the learned ACJM, Jangipur, Murshidabad in G.R. No.1027 of 2023 arising out of the aforesaid P.S. Case, within 15 days from today. On their surrender and application for bail, they shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 4791 of 2023 is disposed of.
8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)