

29.08.2023
Item no.10
Court No.01
P.P./S.D.

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE JURISDICTION**

CRM (A) 641 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Md. Fajirul Mia @ Fajirul Miya & Ors.
.... Petitioners

Mr. Surajit Basu

....for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Arjun Chowdhury

..... for the State

Apprehending arrest in connection with Sahebganj Police Station Case No.201 of 2023 dated 07.06.2023 under Sections 498A/302/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioners submits that the petitioner no. 1 and the petitioner no. 2 have already been arrested and he does not want to press the present application so far as the said petitioners are concerned. In view thereof, the present application in respect of the petitioner nos. 1 and 2 are dismissed as not pressed.

He further submits that the petitioner no. 1 married the informant's sister about 20 years ago and in the alleged incident of 6.6.2023, the petitioner no. 3 had no role to play. She had

been falsely implicated. She is aged about 60 years and in the said conspectus, her custodial interrogation may not be necessary.

Mr. Chowdhury, learned advocate appearing for the State opposes Mr. Basu's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code of Criminal Procedure as well as the Post Mortem report.

Having heard the learned advocates appearing for the respective parties, considering the materials on record including the Post Mortem report and taking note of the fact that the petitioner no. 3 is a lady member of the family, we are of the opinion that her custodial interrogation may not be necessary when the petitioner nos. 1 and 2 had already been arrested.

Accordingly, we allow the prayer for anticipatory bail of the petitioner no. 3.

We direct that in the event of arrest, the petitioner no. 3 namely, **Pariman Bibi**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. She, however, shall cooperate with the investigation.

The application for anticipatory bail CRM (A) 641 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)