

20.02.2024

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Ct. No. 29

S.D.

REJECTED

C.R.M.(A) 505 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Arambagh** Police Station Case No. **420 of 2023** dated **05.12.2023** under Section **498A/304/34** of the Indian Penal Code.

And

In Re : Nazma Khatun @ Najma Kazi

..... petitioner

Mr. Pawan Kumar Gupta

Ms. Sofia Nesar

Mr. Santanu Sett

...for the petitioner

Mr. Bidyut Kumar Roy

Mr. Antarikhya Basu

...for the State

The petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

He submits that it is alleged as against the petitioner that the petitioner was in an illicit relationship with the husband of the victim.

Learned advocate appearing for the State draws the attention of the Court to a statement said to be one of dying declaration. He also refers to the post mortem report and one of the discharge certificates of one of the hospitals at where the victim was treated. He submits that the petitioner was engaged as a Nurse for the purpose of looking after the victim. The

petitioner and the husband of the victim in conspiracy with each other caused the death of the victim.

Police apparently are proceeding with an investigation of homicide not amounting to murder. Post mortem report of the victim is inconclusive as to the cause of death. Materials in the case diary suggest that the victim was being treated. There is a discharged summary of the Command Hospital at Kolkata. The Discharge Certificate notes injury to the kidney.

There is a statement recorded by a person claiming to be present while the victim was being transported from one hospital to the second hospital where it is stated that the victim made a so-called dying declaration. In such statement such person stated that the victim claimed that her medical treatment was wrong and that she would not survive.

Materials in the case diary suggest that the husband of the victim was treating the victim for 25 days just prior to her death as a doctor.

Role of the petitioner in the incident requires investigation.

Prayer for anticipatory bail of the petitioner was turned down by our order dated January 8, 2024 passed in C.R.M. (A) 29 of 2024.

In such circumstances, we are unable to grant anticipatory bail to the petitioner and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 505 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)