

16.05.2024
Court No.08
Item No. 10
Allowed

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CRM (A) 1688 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 166 of 2024 dated 28.03.2024 corresponding to G.R Case No. 574 of 2024 under Sections 448/325/326/307/379/427/34 of the Indian Penal Code.

And

In Re: **Homda Bibi @ Hameda Bibi & Anr.**

Petitioners

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

For the Petitioners

Ms. Faria Hossain
Mr. Abhinaba Mukherjee

For the State

Mr. Navanil De
Ms. Monami Mukherjee

For the De-facto Complainant

1. The petitioners are all in-laws of the de-facto complainant.
2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case.
3. Learned counsel for the State in opposing the prayer for anticipatory bail, has referred to the F.I.R, the statement of the victim under Section 161 Cr.P.C and the injury report.
4. Learned counsel for the de-facto complainant in opposing the prayer for anticipatory bail has submitted that the petitioners directly involved in the commission of the alleged offence as would appear from the F.I.R lodged by the husband of the victim.
5. We have carefully read the F.I.R, the statement of the victim under Section 161 Cr.P.C and the injury report. The allegation against the

present petitioners appears to be omnibus in nature. Prima facie, it does not appear that the petitioner nos. 1 and 2 are the prime accused persons.

6. Considering the aforesaid factors, we are of the view that custodial interrogation of the petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two registered sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and shall not enter the jurisdiction of Kandi P.S, except for the purpose of meeting the I.O and attending courts. The petitioners shall disclose the place where they would reside and all contact details with the officer-in-charge of Kandi P.S as also the officer-in-charge of the police station where they shall be residing. The petitioners till the submission of the final report shall not reside.
8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
9. CRM (A) 1688 of 2024 is, thus, disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

