

10.06.2024
Court No.29
Item No. 19
Allowed

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CRM (A) 1854 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kolaghat Police Station Case No. 579 of 2022 dated 22.11.2022 corresponding to G.R. Case No. 3414 of 2022 under Sections 498A/34 of the Indian Penal Code read with Section 302/109 of the Indian Penal Code.

And

In Re: **Taiyaba Bibi @ Taiba Bibi @ Sahida Bibi & Anr.**
Petitioners

Mr. Amal Krishna Samanta

For the Petitioners

Ms. Amita Gaur
Ms. Suparna Chatterjee

For the State

1. The petitioner no. 1 is the married sister-in-law of the victim and the petitioner no. 2 is the husband of the petitioner no. 1.
2. Learned counsel for the petitioners submits that they have been falsely implicated in the instant case. It is further submitted that the victim and her husband were married for almost 33 years according to Muslim rites and customs.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the neighbours recorded under Section 161 Cr.P.C and submits that the petitioners are also involved in the commission of the crime. However, it is submitted that the husband of the victim and some other co-accused persons have been arrested and subsequently granted bail. It is further submitted that still two more persons are absconding and their prayer for anticipatory bail is rejected by

a coordinate bench in CRM (A) 1675 of 2023. The post-mortem report shows that the death was due to the effect of injury ante mortem in nature.

4. Considering the nature of involvement of the present petitioners in the commission of alleged offence and the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners are not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners **Taiyaba Bibi @ Taiba Bibi @ Sahida Bibi** and **Sk. Mahammad** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two registered sureties of like amount each, 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 appear before the jurisdictional Court within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is thus disposed of.
7. 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)

