

20.06.2024
SL No.20
Court No.29
TN
(partly allow)

CRM (A) 1924 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Domkal Police Station Case No.42 of 2024 dated 17.01.2024 under Sections 498(A)/323/313/34 of the Indian Penal Code.

And

In the matter of : **Morjina @ Marjina Bibi and others.**
- petitioners.

Mr. Amanul Islam,
Mr. Sourav Mukherjee

....for the petitioners.

Mr. Subrata Roy,
Mr. Santanu Deb Roy

... for the State.

1. The learned counsel for the petitioners submits that he is not pressing this application on behalf of petitioner nos. 3 and 4 as they have been arrested during the pendency of this application.
2. Accordingly, the application for anticipatory bail against the said petitioner nos. 3 (**Moten @ Maten Biswas @ Md. Matin Biswas**) and 4 (**Salauddin Biswas**) are dismissed as not pressed.
3. The petitioner no. 1 is the mother-in-law and the petitioner no.2 is the first wife of Mashrekul Biswas. It is submitted that the petitioners are innocent and they have been falsely implicated.
4. The learned counsel for the State opposing the prayer has referred to the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure to show the involvement of the petitioners in the commission of the alleged offence.

5. Considering the materials available in the case diary, involvement of the petitioners in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioners is not necessary. Moreover, the husband has been enlarged on bail.
6. Accordingly, we direct that in the event of arrest, the petitioner nos. 1 and 2 , namely, **Morjina @ Marjina Bibi and Jarina Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioners shall cooperate with the investigation till submission of the final report and they shall appear before the Chief Judicial Magistrate, Murshidabad within two weeks from date and shall pray for regular bail.
7. In default of fulfillment of any of the conditions, this order shall automatically stand recalled without any further reference to this court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)