

24.06.2024
SL No.42
Court No.29
(gc)
(Allowed)

CRM (A) 1964 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Durgachak Police Station Case No.23 of 2024 dated 04.02.2024 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : **Asmina Bibi & Ors.**

- Petitioners.

Mr. Navanil De,
Mr. Subhrajit Dey

....For the Petitioners.

Ms. Faria Hossain, Ld. A.P.P.
Ms. Diksha Ghosh

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State has submitted that the stepmother, stepsister and uncles of the deceased along with other co-accused persons have tortured the deceased and abetted suicide. It is, however, submitted that some of the co-accused persons have been recently enlarged on bail.
3. Considering the materials available in the case diary, the nature and complicity of the petitioners in the commission of the alleged offence and the fact that the father and wife of the deceased who happens to be the sister-in-law of the father are on bail and the charge-sheet has already been filed, we are of

the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Asmina Bibi, Marjina Bibi @ Sarjina Khatun @ Sabina Khatun, Sk. Muklesur Rahaman @ Sk. Moglesur Rahaman @ Momrej** and **Sk. Mustak Ahamed @ Sk. Mustak Ahmed**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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 appear before the learned Additional Chief Judicial Magistrate at Haldia, Purba Midnapore in connection with G.R. Case No.205 of 2024 and pray for regular bail within two weeks from date and shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
6. Accordingly, the application for anticipatory bail is disposed of.

7. 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.)