

05.07.2024

Court No.29

Item No. 57

Allowed

gd/ssd

CRM (A) 2179 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Banshihari Police Station Case No.174 of 2024 dated 02.06.2024 corresponding to G.R Case No.582 of 2024 under Sections 498A/325/307/34 of the Indian Penal Code.

And

In Re: Ayesha Khatun and Another.

...Petitioners

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

Mr. Sourav Mondal

Ms. Labani Sikder

Mr. Sakhawat Khandaker

For the Petitioners

Mr. Sudip Kumar

Mr. Sandip Kundu

For the State

Mr. Tuhin Shabnam

De facto Complainant

1. The petitioner no.1 is the mother-in-law and the petitioner no.2 is the sister-in-law of the victim.
2. Learned counsel for the petitioners submits that the petitioners are innocent.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the injury report and the statement of the victim recorded under Section 164 Cr.P.C.

4. Learned advocate for the de facto complainant also opposes the prayer for anticipatory bail.
5. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 Cr.P.C. and the injury report, we find that the husband of the victim is a principal accused who is presently absconding.
6. Considering the nature and extent of the complicity of the petitioners, we are of the view that the custodial interrogation of the petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ayesha Khatun and Armina Khatun** 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, 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 or as and when called for till the submission of the final report and Officer once in a week or as and when called for till the submission of the final report and on further condition that the petitioners shall not leave the jurisdiction of Banshihari Police Station without the leave of the learned Additional Chief Judicial Magistrate, Gangarampur, at Buniadpur, Dakshin Dinajpur and the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Gangarampur, at Buniadpur, Dakshin Dinajpur within two weeks from date in connection with Police Station Case No. 174 of 2024. In the event of non-compliance of any of the conditions, the anticipatory

bail of the petitioners shall stand automatically cancelled without any further reference to this Court.

8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
9. 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)