

22.07.2024
Court No.29
Item No. 51

Aloke

CRM (A) 2456 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Labpur P.S. Case No. 195 of 2022 dated 25th December, 2022 under Sections 498A/306/302/34 of the Indian Penal Code.

And

In Re: **Kari Dhibar @ Parbati Dhibar @ Kori Dhibar**
Petitioner

Mr. Sujoy Sarkar
... For the Petitioner

Ms. Subhasree Patel
... For the State

1. Heard the learned counsel for the parties.
2. The petitioner is the mother-in-law of the deceased.
3. The learned counsel for the petitioner submits that the husband and father-in-law of the victim of the deceased have been enlarged on bail.
4. Although, the petitioner was named in the FIR but after investigation charge-sheet was filed without the name of the petitioner.
5. The learned counsel for the State in opposing the prayer has submitted that on the basis of the application filed by the father of the deceased for reinvestigation, the learned jurisdictional Court has allowed the said prayer and the police is investigating to ascertain the role of the present applicant.
6. The present applicant is absconding since December, 2022. She is named in the FIR.

7. It is submitted that for proper investigation her custodial interrogation is necessary.
8. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence as transpired from the statement of various witnesses, we are of the view that custodial interrogation of the petitioner is not necessary.
9. Accordingly, we direct that in the event of arrest the petitioner, namely, **Kari Dhibar @ Parbati Dhibar @ Kori Dhibar**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioner shall appear before the trial Court without two weeks from date and thereafter on each and every dates of hearing until further orders.
10. We direct the petitioner to cooperate with the investigation and it would be open for the investigating officer to interrogate the petitioner at her place at Labpur.
11. Investigating officer to file final report in the pending proceeding.
12. Petitioner shall not leave the jurisdiction of Labpur Police Station without the permission of the I.O. till filing of the supplementary report before the Additional Chief Judicial Magistrate, Bolpur, Birbhum.
13. In the event the petitioner fails to appear before the trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without any further reference to this Court.
14. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

15. CRM (A) 2456 of 2024 is, thus, disposed of.

16. 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.)