

13.08.2024
Court No.29
Item No. 39

Partly Allowed

sg

CRM (A) 2729 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS Act, in connection with Farakka Police Station Case No. 100 of 2023 dated 23.02.2023 under Sections 325/326/307/441/34 of the Indian Penal Code and adding sections 3/4 of the E.S. Act, pending before the learned Additional Chief Judicial Magistrate at Jangipur, Murshidabad.

And

In Re: **Badera Bibi @ Baroda @ Bareda Bibi & Ors.**
Petitioners

Mr. Tapodip Gupta
Mr. Suman Bhanja

For the Petitioners

Ms. Sayanti Santra
Ms. Suruchi Saha

For the State

1. The learned Counsel for the petitioners submits that the petitioner nos. 1, 2 and 3 are the housewives. All the petitioners have been falsely implicated out of grudge and previous enmity.
2. The learned Counsel for the State has produced the case diary. It is submitted that all the petitioners have been named by the injured in the statement recorded under section 161 Cr.P.C. The learned Counsel has also referred to the injury report and the seizure list.
3. Considering the materials available in the case dairy, the nature and extent of involvement of the petitioners in the commission of alleged offence and having regard to the nature of injury and the weapons used, we are of the view that the petitioner no.4 and 5 are not entitled to anticipatory bail.

Moreover, there are criminal antecedents of the petitioner nos. 4 and 5. However, having regard to the fact that the petitioner nos. 1, 2 and 3 prima facie appear to be the housewives and may not have played any active role in the commission of alleged offence, we are of the view that the custodial interrogation of the petitioner nos. 1, 2 and 3 is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner nos. 1, 2 and 3 namely, **Badera Bibi @ Baroda @ Bareda Bibi, Muslema Bibi @ Lushi Bibi @ Lusi Bibi and Rina Bibi @ Ghuran Bibi**, 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 learned Additional Additional Chief Judicial Magistrate at Jangipur, Murshidabad and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and subject to further condition that the petitioner nos. 1, 2 and 3 shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.
5. In the event the petitioner nos. 1, 2 and 3 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 any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1, 2 and 3 is allowed and the application for anticipatory bail for the petitioner nos. 4 and 5 is rejected.
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.)