

12.08.2024

Court No.29

Item No. 52

Allowed

ar

CRM (A) 2765 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail Police Station Case No. 66 of 2024 dated 26.01.2024 corresponding to G.R Case No. 430 of 2024 under Sections 325/307/302/34 of the Indian Penal Code or under Section 117(2)/109/103(1)3(5)(6) Bharatiya Nyaya Sanhita, 2023

And

In Re: Sahida Sha @ Sahida Begum

Petitioner

Mr. Rafikul Islam Sardar

For the Petitioner

Mr. Partha Pratim Das

Mr. Pallavi Priyadarshee

For the State

Mr. Soumya Basu Roy Chowdhuri

For the De-facto Complainant

1. The petitioner is the mother-in-law of one of the victims. It is alleged that the petitioner has been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the letter of complaint and the statement of one of the injured eye-witnesses to contend that she has been falsely implicated. Learned counsel has also referred to an order passed by a coordinate bench on 21.6.2024 in CRM (DB) 1532 of 2024 (Rubina Sha & Ors.) and submits that having regard to the nature of the allegation and the involvement of the petitioner, there is no requirement of the petitioner to be taken into custody.
3. 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 would reveal from the statement of one of the victims and the

circumstances in which the alleged incident took place and having regard to the fact that the nature of involvement of the petitioner is different from others and no specific overt act has been attributed to the petitioner that had resulted in the injury or death and the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sahida Sha @ Sahida Begum** 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, 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 and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Howrah, corresponding to G.R. Case No. 430 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)

