

12.08.2024
Sl No.73
Court No. 29
TN
(Allowed)

CRM (A) 2786 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kumarganj Police Station Case No.160 of 2024 dated 11.06.2024 under Sections 498A/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of : **Najma Anchhari @ Najmoon Nehar Begam**

.... petitioner

Mr. Kaushik Chowdhury,
Ms. Busra Khatoon

....for the petitioner

Mr. Z. N. KHAN,
Mr. Subham Bhakat

... for the State

1. The learned counsel for the petitioner submits that the petitioner is the sister-in-law of the victim lady and she has been falsely implicated.
2. The learned counsel for the State has produced the case diary and has opposed the prayer for anticipatory bail.
3. It is submitted that the statement of the daughter of the victim recorded under Section 164 of the Code of Criminal Procedure has implicated the petitioner. The statement of the mother of the victim has also been placed.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the statement of the daughter or that of the mother of the victim is not supported by the post mortem report and the cause of

death *prima facie* found to be by hanging with no injury being noticed over the body, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Najma Anchhari @ Najmoon Nehar Begam** 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 arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
6. It is further directed that the petitioner shall cooperate with the investigation.
7. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)