

28.08.2024
Court No.29
Item No. 28

Allowed

cm

CRM (A) 2921 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nabagram Police Station Case No. 164 of 2024 dated 14.04.2024 under Sections 341/302/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Lalbagh, Murshidabad.

And

In Re: **Habiba Bibi @ Hafija Bibi.**

Petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

For the Petitioner

Mr. Faria Hossain, Id. APP
Mr. Asif Dewan, Adv.

For the State

1. The learned Counsel for the petitioner submits that due to family dispute hot altercation between two families took place and she is no way involved in the commission of the alleged offence.
2. The learned Counsel for the State in opposing the prayer has submitted that the husband and the son of the present petitioner is in custody and the statement of the witness has also directly implicated her in the commission of the alleged offences.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the nature of the offending weapon alleged to have been used by the petitioner which may not have resulted in the death of the deceased and having regard to the fact that she is a lady and charge-sheet has

already been filed. We are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Habiba Bibi @ Hafija Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
5. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Lalbagh, Murshidabad within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)