

30.08.2024
Court No.29
Item No. 28

Allowed
sg

CRM (A) 2977 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, in connection with Khargram Police Station Case No. 222 of 2024 dated 25.06.2024 under Sections 341/335/326(A) of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad.

And

In Re: **Khiru Bibi @ Hanse Mamataj @ Hasne Mamataj**
Petitioner

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous

For the Petitioner

Mr. Bidyut Kumar Roy
Mr. Parvej Anam

For the State

1. The learned Counsel for the petitioner submits that husband of the defacto complainant taking advantage of the absence of the petitioner, used to give indecent proposal and after fear she remained silent. However, on 25th June, 2024 at about 3 AM, the husband of the defacto complainant tried to outrage her modesty at her place when for the self defence she threw acid on the accused.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary and has submitted that the husband of the defacto complainant has suffered injury extensively and there are incriminating materials against the petitioner.
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 and the

version of the petitioner cannot be completely ruled out having regard to the background facts, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Khiru Bibi @ Hanse Mamataj @ Hasne Mamataj**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of Arresting Officer, subject to 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. The petitioner shall cooperate with the investigation. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, within two weeks from date.
5. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
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.)