

23.09.2024
Court No.29
Item No. 3

Allowed

sg

CRM (A) 3378 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 Harishchandrapur Police Station Case No. 397 of 2024 dated 16.05.2024 under Sections 302/34 of the Indian Penal Code and under, pending before the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In Re: **Tusmera Bibi @ Tusminara Khatun & Anr.**
Petitioners

Mr. B. Bhattacharya
Mr. A. Sarkar
Mr. S. Pakrashy

For the Petitioners

Mr. Rana Mukherjee
Ms. Suveni Banerjee

For the State

1. The petitioner no.1 is the wife and the petitioner no.2 is the sister-in-law of one Nurul Islam. It is further stated that due to a private dispute, an altercation took place between the complainant's father and the FIR named accused persons.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail, has referred to the statements of two persons to show that the present petitioners are also involved in the commission of alleged offence.
3. Considering the materials available in the case dairy, the nature and extent of complicity of the present petitioners in the commission of alleged offence, and also considering the statement of the two witnesses recorded under Section 164 of the Code of Criminal Procedure which appears to be that

Nurul was a principal assailant who had inflicted physical assault with the offending weapons and also having regard to the fact that the nature of allegations against the present petitioners are omnibus in nature and also considering the fact that Nurul has been granted bail and the present petitioners are the lady members of the family and also having regard to the fact that charge sheet also already been submitted, we are of the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the present petitioners, namely, **Tusmera Bibi @ Tusminara Khatun and Marjina Bibi @ Marjina**, 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 Chief Judicial Magistrate, Chanchal, Malda, 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 petitioners 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 petitioners 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 petitioners 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.)