

23.09.2024
Court No.29
Item No. 7

Allowed
sg

CRM (A) 3405 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 Bharatpur Police Station Case No. 188 of 2024 dated 06.07.2024 under Sections 115(2)/108/351(3)/3(5) of the BNS, pending before the learned Additional Chief Judicial Magistrate at Kandi, Murshidabad.

And

In Re: **Rubila Bibi & Anr.**

Petitioners

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

For the Petitioners

Mr. Rana Mukherjee
Mir Anuruzzaman

For the State

1. The learned Counsel for the petitioners submits that there is a dispute between the parties with regard to repayment of the loan and a false complaint has been lodged by the son of the victim against the present petitioners.
2. The learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statements of two witnesses recorded under Section 164 of the Code of Criminal Procedure and submits that the present petitioners have been implicated amongst others.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioners in the commission of the alleged offence and also considering the postmortem report which prima facie shows that the death is anti-mortem hanging suicidal in nature, we are of the view that custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **Rubila Bibi and Mauhrma 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 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 petitioners shall meet the I.O. as and when required following the norms applicable to a woman accused till the submission of the final report. The petitioners shall appear before the jurisdictional court within ten days from date.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
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.)