

03.01.2024

Item No.71

Ct. No. 29

CHC

Allowed

C.R.M.(A) 4383 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Swarupnagar** Police Station Case No. **1153** of **2022** dated **04.12.2022** under Sections **498A/306/304B/34** of the Indian Penal Code and Sections **9/10** of Child Marriage Act.

And

In the matter of : Moslema Bibi

..... petitioner

Mr. Ali Hossen Alamgir,
Mr. K. K. Bhattacharjee,
Ms. Sahina Khatun

....for the petitioner

Mr. Debabrata Chatterjee, Ld. A.P.P.
Mr. Santanu Chatterjee

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that, the husband of the victim was granted bail by the jurisdictional Court. Father-in-law of the victim was granted

bail by the jurisdictional Court. The husband was granted bail by the coordinate Bench in C.R.M.(DB) 2175 of 2023.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the statement recorded under Section 164 of the Criminal Procedure Code.

We perused the materials in the Case Diary.

Police filed charge-sheet.

Husband and the father-in-law of the victim are on bail.

The coordinate Bench while granting bail to the husband of the victim recorded that, the statements made under Sections 161 and 164 of the Criminal Procedure Code were omnibus in relation to the allegation of physical and mental torture.

In such circumstances, we confirm the interim order granted to the petitioner on October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the

petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4383 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)