

01.10.2024
SL No.47
Court No.29
(gc)
(Allowed)

CRM (A) 3521 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Garden Reach Police Station Case No.64 of 2024 dated 06.04.2024 under Sections 302/324/34 of the Indian Penal Code.

And

In the matter of : **Kaniz Fatma @ Poonam & Ors.**

- Petitioners.

Mr. Anirban Dutta,
Mr. S. Abedin,
Mrs. Chitra Abedin,
Ms. Pooja Singh

....For the Petitioners.

Mr. Debasish Ray, Ld. P.P.,
Mr. Mir Anuruzzaman

... For the State.

1. The petitioners are the wives of three assailants. All the three assailants, Naiyer, Jawed and Samser are in custody along with two others.
2. The learned Counsel for the State in opposing the prayer has produced the case diary and more particularly the statement of the eyewitnesses.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and as it appears from the statement of the independent witnesses that the three named assailants were seen to have physically assaulted the victim with offending weapons and having regard to the participation of the present petitioners in the commission of the alleged offence and the petitioners are all female and having regard to the fact that charge-sheet has already

been filed, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners namely, **Kaniz Fatma @ Poonam, Andaleeb Fatema @ Araish @ Aris** and **Zainab Fatema @ Zeba**, 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023.
5. It is also directed that the petitioners shall appear before the learned Chief Judicial Magistrate, Alipore in connection with C.G.R. Case No.872 of 2024 by 8th October, 2024.
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.)