

06.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3781 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hemtabad Police Station Case No. 183 of 2024 dated 26.07.2024 under Sections 318(4)/336(2)/336(3)/338/340(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: Manjura Khatun.

... ... Petitioner

Mr. Hare Krishna Haldar,
Mr. Debasis Sur,
Mr. Dilip Kr. Das.

... ... for the petitioner

Mr. Md. Adil Badr,
Ms. Baishakhi Chatterjee.

... ... for the State

Mr. Anup Mukhopadhyay.

... ... for the de facto complainant

1. Petitioner submits the certificate relied by her is genuine.

She prays for anticipatory bail

2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. Learned lawyer for *de facto* complainant also opposes the prayer for anticipatory bail.

4. We have considered the materials on record. Petitioner was appointed as Asha workers on the strength of a marksheet issued by a *Madrasah*. Report of the *Madrasah* shows markshet does not appear to be genuine. Copy of the marksheet is already in the custody of the investigating agency. Under such

circumstances, we are of the opinion custodial interrogation is not necessary.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., Manjura Khatun be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall cooperate with investigation and hand over the original marksheet to the investigating agency. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

8. The order shall not stand in the way of the authority concerned to initiate steps against the petitioner in accordance with law, if so advised.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)