

20.03.2025

Serial no. 36
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 956 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Manikchak** Police Station Case No. **69** of **2025** dated **26.01.2025** under Sections **123/109/3(5)** of Bharatiya Nyaya Sanhita, 2023 **pending before Id. CJM, Malda***

-And-

In the matter of : **NAIMA BIBI @ NAIMA KHATUN**
... .. Petitioner

*Mr. Amanul Islam,
Mr. Sourav Mukherjee, Advocates
... .. For the Petitioner*

*Mr. Atif Ahmed Siddique, Advocate
... ..For the State*

1. There is an issue of false implication of the petitioner involved which cannot be overlooked.
2. Petitioner filed a police complaint against her husband and his family members including the de facto complainant, earlier in point of time. Petitioner is the daughter in law of the de facto complainant.
3. It is submitted Court that the petitioner is residing separately at her paternal house with effect from October 11, 2024.
4. The incident of alleged poisoning of the de facto complainant is alleged to occur on January 15, 2025 at the matrimonial home of the petitioner. There is no material in the case diary presently corroborating the version of the de facto complainant that, she was administered poison with her food on January 15, 2025 by the petitioner. Medical report suggests that the de facto complainant consumed some poisonous material.

5. Given the claim that the petitioner filed a previous police compliant inter alia against the de facto complainant and given the claim that the petitioner was living separately at her parental house and given the fact that the alleged incident is said to occur at her matrimonial home, we are inclined to grant anticipatory bail to the petitioner.
6. 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall cooperate with the investigations till the conclusion of the investigations and on further 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.
7. Prayer for anticipatory bail of the petitioner is **allowed**.
8. **CRM (A) 956 of 2025** is **disposed of**.

(Debangsu Basak, J.)

(Smita Das De, J.)

