

24.04.2025

Item No.DL40
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1306 of 2025

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chanchal Police Station case no.1383 of 2024 dated 05.12.2024 under Sections 126(2), 123, 115(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In Re : **NARIZA KHATUN @ NARIZA BIBI**

.....Petitioner

For the Petitioner :

Mr. Tapan Dutta Gupta

Mr. Parvej Anam

Ms. Rituparna Ghosh

.....Advocates

For the State :

Mrs. Manisha Sharma

Mr. Soumya Basu Roy Chowdhury

.....Advocates

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a neighbour of the victim's family. The allegation against the petitioner is that she had rebuked the two and a half year old child of the de facto complainant, on a particular day. When the boy came back, he allegedly stated that the petitioner made him eat "DHUTRA" fruit seed. He fell ill and had to be treated in a hospital. The FIR was lodged after 14 days of the alleged incident. No statement of the victim child has been recorded. There is no independent corroboration of the incident. Chargesheet has been submitted. Other accused were granted anticipatory bail.

Learned counsel appearing on behalf of the State relies on the case diary including the statement of the father of the victim and the discharge certificate of the child.

It appears that the child was admitted in a hospital on 28.11.2024 while the alleged incident took place on 21.11.2024 as per FIR and 26.11.2024 as per statements. The discharge certificate also shows that the date of injection of “*DHUTRA*” was on 26.11.2024.

In view of the materials available in the case diary and the time gap between the alleged incident and the date of admission in the hospital, I do not think that the custodial interrogation of the petitioner is required in this case.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that he shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 1306 of 2025** is, thus, **allowed**.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)