

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5415/2009

(From the judgement and order dated 13/01/2009 in CRM No. 322/2009
of The HIGH COURT OF CALCUTTA)

LATIFA BIBI Petitioner(s)
VERSUS
STATE OF WEST BENGAL Respondent(s)

(With appln. for anticipatory bail and office report)

Date: 19/02/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE C.K. PRASAD

For Petitioner(s) Mr.Pijush K. Roy, Adv.
Mr. Mithilesh Kumar Singh,Adv.

For Respondent(s) Mr. Avijit Bhattacharjee,Adv.
Mr.Bikas Kar Gupta, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed; the impugned order is set aside and it is directed that in the event of arrest of the appellant, she will be admitted to bail on her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Investigating Officer. This order shall remain in force till the charge-sheet, if any, is filed against the appellant. The appellant shall remain bound by all the conditions as stipulated in sub-Section (2) of Section 438 of the Criminal Procedure Code.

[Usha Bhardwaj] [Pushap Lata Bhardwaj]
Court Master Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 378 OF 2010
(Arising out of SLP(Crl.) No. 5415/2009)

Latifa Bibi .. Appellant(s)

Versus

State of West Bengal .. Respondent(s)

O R D E R

Leave granted.

This appeal is directed against order dated 13th January, 2009, passed by the High Court of Calcutta in C.R.M. No. 322 of 2009. By the impugned order, High Court has declined to grant anticipatory bail to the appellant, who happens to be the mother-in-law of the complainant, in FIR No. 334 of 2008 dated 2nd December, 2008 registered under Section 498 A, 313, 506 and 323 read with Section 34 of the Indian Penal Code.

We have heard learned counsel for the appellant as also for the State.

Learned counsel for the appellant has submitted that except for present appellant, all other persons named in the FIR have been granted anticipatory bail. It is pointed out that the allegation against the appellant is identical to the one levelled against the sister-in-law,

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who has since been granted anticipatory bail. Learned counsel appearing on behalf of the State, on the other hand, submits that there are serious allegations against the appellant for instigating other members of the family in demanding dowry from the parents of the complainant.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the allegations against the appellant, we are of the view that it is a fit case where the benefit of anticipatory bail deserves to be granted to the appellant.

Accordingly, the appeal is allowed; the impugned order is set aside and it is directed that in the event of arrest of the appellant, she will be admitted to bail on her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Investigating Officer. This order shall remain in

force till the charge-sheet, if any, is filed against the appellant. The appellant shall remain bound by all the conditions as stipulated in sub-Section (2) of Section 438 of the Criminal Procedure Code.

.....J.
[D.K. JAIN]

.....J.
[C.K. PRASAD]

NEW DELHI,
FEBRUARY 19, 2010.