

18.05.2023

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 2066 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **981** of **2022** dated **14.12.2022** under Sections 365/368 of the Indian Penal Code and added Section 306 of the Indian Penal Code.

And

In Re : Sabita Baidya & Anr.

..... petitioners

Mr. Prabir Majumder

....for the petitioners

Ms. Faria Hossain

Ms. Baisali Basu

Ms. Mamata Jana

....for the State

The victim was married to a different person. She went with a relative of the petitioners. Thereafter, apparently, the victim died. No post mortem was conducted. The police complaint was lodged two years after the incident.

Contemporaneously, when the victim went away with the relative of the petitioners two years ago, there was no complaint of kidnapping.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 and on further condition that the petitioners shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**