

19.09.2023
(M/L 159)
Ct. No.29
Allowed
(SKB)

CRM (A) 3766 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Santipur P.S. Case No.1285 of 2022 dated 12.12.2022 under Sections 341/325/307/302/34 of the Indian Penal Code.

In the matter of : Riya Ghosh

... Petitioner

Mr. Ashok Das,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

... for the petitioner

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee

... for the State

1. Heard learned advocates for the parties.
2. The incident as disclosed in the FIR is alleged to have been occurred on account of dispute between two brothers and their family members where one brother has assaulted the another brother (deceased) by a bamboo.
3. The present petitioner is the daughter of the principal accused. From the statement of one Sulata Ghosh as recorded under Section 164 Cr.P.C., it appears to us that she stated that when the victim was being assaulted by his brother, the present petitioner and her mother Ashima Ghosh tied the hands of the deceased. However, such allegation is totally absent in the statement of one Arpita Ghosh as recorded under Section 161 Cr.P.C. as

well as from the statements of the witnesses as recorded under Section 161 Cr.P.C. during investigation.

4. Charge-sheet is stated to have been submitted in the meantime.
5. In view of such, we find no justification for custodial interrogation of the present petitioner.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Ranaghat, Nadia in the aforesaid P.S. case within 15 days from today. On her surrender and application for bail, she shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM(A) 3766 of 2023 is disposed of.
9. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)