

27.03.2024

DL.4

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1027 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhimpur** Police Station Case No.**56 of 2024** dated **10.02.2024** under Sections **341/325/326/34** of the Indian Penal Code, 1860 adding Section **328** of IPC pending before the **Learned Chief Judicial Magistrate, Krishnagar at Nadia.** (G.R. Case No.847 of 2024).

And

In the matter of: **Jagannath Ghosh @ Jaga Ghosh & Ors.**

....petitioners.

Mr. Manas Kumar Das
Mr. Sumanta Das
Mr. Aritra Kumar Thokdar
Ms. Atreyee Halder

...for the petitioners.

Ms. Shaila Afrin
Mr. Sk. Arif Hossain

... for the State.

Leave granted to the learned Advocate-on-record for the petitioners to correct the cause-title.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the victim attempted to kidnap her, the minor daughter of the petitioners, twice. Police complaints in that regard were lodged on the date of the incident. The victim consumed poison voluntarily.

Learned Advocate appearing for the State draws the attention of the Court to the injury report of the victim as also statements of neighbours recorded under Section 161 of the Code of Criminal Procedure.

On a query of the Court, learned Advocate appearing for the State submits that the victim refused to record his statement under Section 161 of the Code of Criminal Procedure.

Statements of neighbours suggest that there was a love affair

between the victim and the minor daughter of the petitioners.

The petitioners were trying to prevent the relationship between the victim and the minor.

Such statement was also suggested that on the date of the incident, there was an incident of assault. None of the neighbours claimed that they saw the petitioners to administer poison to the victim.

Medical reports of the victim do not suggest that the petitioners were involved in administering the poison to the victim. Victim himself refused to record statement under Section 161 of the Code of Criminal Procedure.

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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.1 and 2 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.3 will cooperate with the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1027 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)