

07.11.2024
Sl. No.7
akd
[ALLOWED]

C. R. M. (A) 1584 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 30.04.2024 in connection with Khanakul Police Station Case No.92 of 2024 dated 03.03.2024 under Sections 302/419/34 of the Indian Penal Code. (G.R. Case No.359 of 2024)

And

In Re: ***Bharati Mondal @ Bhharati Mondal & Ors.***
... .. Petitioners

Mr. Niladri Sekhar Ghosh
Mrs. Sompurna Chatterjee
Mr. Sourav Mondal
Mrs. Labani Sikdar
Mr. Rony Mondal

... .. for the petitioners

Mr. Kashiswar Ghosh
... .. for the de-facto complainant

Mr. Debasis Roy .. Id. Public Prosecutor
Ms. Anasuya Sinha .. Id. Addl. Public Prosecutor
Mr. Bidyut Roy
... .. for the State

1. It is submitted on behalf of the petitioners the incident occurred at Mumbai. No cause of action arose within the territorial jurisdiction of Khanakul Police station. However, prayer for transfer of the case to Mumbai was turned down by the jurisdictional magistrate. Accordingly, they pray for anticipatory bail.
2. Learned Public Prosecutor produces the records.
3. We have considered the materials on record. Victim died out of a railway accident in Mumbai. Incident occurred outside the territorial jurisdiction of Khanakul Police station. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely ***(1) Bharati Mondal @ Bhharati Mondal, (2) Uttam Jana, (3)***

Aparna Bera & (4) Subodh Bera, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)