

05.07.2024

Court No.29

Item No. 50

Allowed

Partly

gd/ssd

CRM (A) 2172 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No.680 of 2023 dated 25.12.2023 corresponding to G.R Case No.3350 of 2023 under Sections 302/34 of the Indian Penal Code.

And

In Re: **Mekhail Baksi @ Mikhail Baski @ Michael Baskey and Others.**
...Petitioners

Mr. Sekhar Kumar Basu
Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Karan Bapuli

For the Petitioners

Ms. Amita Gaur
Mr. Ratul Ghosh

For the State

1. Mr. Sekhar Kumar Basu, learned senior counsel appearing on behalf of the petitioners has submitted that due to family dispute the petitioners have been falsely implicated by the de facto complainant.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the independent witnesses recorded under Sections 161 and 164 Cr.P.C.
3. Considering the materials available in the case diary and the statement of the independent witnesses recorded under Sections 161 and 164 Cr.P.C. as directly implicates the petitioner nos.1 and 2 and also having regard to the

fact that the other co-accused named with the statement are in custody, we are not inclined to grant anticipatory bail to the petitioner nos.1 and 2 and the custodial interrogation of the petitioner no.3 is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner no.3 namely, **Sisilia Murmu @ Sisiliya Murmu @ Cicilia Baskey** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner no.3 shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and shall not leave the jurisdiction of district Murshidabad without the permission of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad till the submission of the final report. The petitioner no.3 shall also appear before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad in connection with G.R Case No.3350 of 2024 within two weeks from date and the petitioner no.3 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner no.3 shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail of the petitioner no.3 shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner no.3 is allowed and the same is accordingly disposed of.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)