

15.07.2024
Court No.29
Item No. 48

Partly Allowed

sg

CRM (A) 2397 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, in connection with Krishnagar Kotwali Police Station Case No. 1154 of 2023 dated 25.11.2023 under Sections 498A/302/304A/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Krishnagar, Nadia.

And

In Re: **Sukumar Ghosh & Ors.**

Petitioners

Mr. Snehansu Majumdar

For the Petitioners

Mr. Sarjati Dutta

Mr. Tirupati Mukherjee

For the State

1. Considering the fact that the prayer for anticipatory bail of the petitioner nos. 1 and 2 has been rejected by a coordinate Bench and in absence of any change in circumstances, we are not inclined to consider the said application of the petitioner nos. 1 and 2 on merits.
2. Insofar as the petitioner nos. 3 and 4 are considered, we find that the allegations leveled against them are general and omnibus. The victim died due to hanging which is ordinarily suicidal.
3. On such consideration, we are of the view that the custodial interrogation of the petitioner nos. 3 and 4 is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioner nos. 3 and 4 namely, **Ratna Ghosh and Shefali Ghosh @ Swapna Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner nos. 3 and 4 shall cooperate with the investigation and subject to further condition that the petitioner nos. 3 and 4 shall appear before the trial court on each and every date of hearing until further orders.

5. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner nos. 3 and 4 is allowed. The application for anticipatory bail of the petitioner nos. 1 and 2 is rejected.
7. CRM (A) 2397 of 2024 is, thus, disposed of.
8. 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.)