

05.08.2024
Court No.29
Item No. ML-23

Allowed

sg

CRM (A) 2410 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Jagaddal Police Station Case No. 220 of 2024 dated 26.06.2024 under Sections 323/325/306/406/506/120B/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, at Barrackpore, North 24 Parganas.

And

In Re: **Sharmistha Dutta & Ors.**

Petitioners

Mr. Sabir Ahmed
Ms. Tasnim Ahmed
Mr. Dhiman Banerjee

For the Petitioners

Mr. Pravash Bhattarya
Ms. Debadrita Mondal

For the State

Mr. Anand Kesheri

For the defacto complainant

1. On the earlier occasion, we directed the Investigating Agency to produce post mortem report. It appears from the post mortem report that the cause of death is “deceased condition of pancreas” which prima facie ruled out any foul play. There has been case and counter case between the parties.
2. Considering the materials available in the case diary and the nature and extent of involvement of the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the present petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioners namely, **Sharmistha Dutta, Avijit Dutta, Bina Dutta and Subho Ranjan Singh,**

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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita with further condition that the petitioner nos. 2 and 4 shall meet the I.O. once in a week and the petitioner nos. 1 and 3 shall cooperate with the investigation till the submission of final report. The petitioners shall appear before the learned Trial Court within two weeks from date.

4. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. CRM (A) 2410 of 2024 is, thus, disposed of.
7. 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.)