

22.07.2024

Court No.29

Item No. 47

Allowed

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CRM (A) 2452 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Haringhata Police Station Case No. 365 of 2024 dated 08.07.2024 corresponding to S.L No. 1520 of 2024 under Sections 85/103(1)/3(5) of the **Bharatiya Nyaya Sanhita, 2023.**

And

In Re: **Prabhawati @ Prababati Devi & Ors.**

Petitioners

Mr. Shibaji Kumar Das

For the Petitioners

Mr. Debabrata Chatterjee

Ms. Pritha Paul

For the State

1. The petitioner nos. 1 and 2 are the parents-in-law and the petitioner no. 3 is the brother-in-law of the victim. It is submitted that on the date of the alleged incident the petitioner nos. 1 and 2 were in Bihar and the petitioner no. 3 was undergoing an eye surgery, relevant documents in support of such submission have been disclosed which, prima facie, has given an impression that they may not be present at the time of occurrence of the alleged offence. The husband of the deceased is in custody.
2. Learned counsel for the State has produced the case diary and we have read the statement of the independent witnesses recorded under Section 161 Cr.P.C wherefrom it appears that specific allegation has been made against the husband of the deceased.
3. In view of the above, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Prabhawati @ Prababati Devi, Lahore @ Lahor Sharma and Rupak**

Sharma @ Rupak Kumar Sharma @ Lucky Sharma 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 482(2) of the **Bharatiya Nyaya Sanhita Act, 2023**. The **petitioner nos. 2, 3** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and they shall not leave the jurisdiction of district Nadia and the **petitioner no. 1** shall cooperate with the investigation and shall not leave the jurisdiction of district Nadia and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia within two weeks from date in connection with S.L No. 1520 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners 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)

