

22.07.2024
Court No.29
Item No. 65

Allowed

sg

CRM (A) 2470 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 Act, in connection with Talpatighat Coastal Police Station Case No. 09 of 2024 dated 20.01.2024 under Sections 498A/302/323/34 of the Indian Penal Code and charge sheet was submitted under sections 498A/306/34 IPC, pending before the learned Additional Chief Judicial Magistrate at Contai, Purba Medinipur.

And

In Re: **Nitai Das & Ors.**

Petitioners

Sk. Sahjahan Ali

For the Petitioners

Mr. Sudip Kumar
Ms. Nazmut Touhid

For the State

1. The petitioners are the co-villagers. It is submitted that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary and the statement of the mother of the deceased and some independent witnesses.
3. It appears from the case diary that one of the witnesses has stated that the deceased had an extra-married relationship with Dulal Das, the petitioner no.3. However, the allegations are general and omnibus in nature. The cause of death appears to be suicidal. Charge sheet has also been filed. On such consideration, we are of the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **Nitai Das, Madhuri Das, Dulal Das and Madhuri Das @ Madhuli Das**, 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 learned Additional Chief Judicial Magistrate at Contai, Purba Medinipur and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioners 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 petitioners is allowed.
7. CRM (A) 2470 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.)