

29.07.2024
Court No.29
Item No. 34

Partly Allowed

sg

CRM (A) 2508 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 Palashipara Police Station Case No. 287 of 2024 dated 16.06.2024 under Sections 447/302/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate at Tehatta, Nadia.

And

In Re: **Manirul Mondal & Ors.**

Petitioners

Mr. Habibur Rahaman
Mr. Archishman Singh

For the Petitioners

Mr. Sandip Chakraborty
Mr. Asif Dewan

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated due to family dispute.
2. The learned counsel for the State, in opposing the prayer for anticipatory bail, has contended that the investigation is in a preliminary stage and all the petitioners are FIR named and their names have also been mentioned by the neighbours in their statement under section 161 of the Cr.P.C.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners as transpired from the case diary and the statement of the husband of the victim, it appears that the petitioner no.1 has been named in the FIR. The statement of the independent witness and the statement of the husband of the victim also implicate the petitioner no.1 as

one of the perpetrators of the offence. In view thereof, we are not inclined to grant anticipatory bail to the petitioner no.1.

4. However, the allegation against the petitioner nos. 2 and 3 appears to be omnibus and considering the role in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner nos. 2 and 3 is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 3 namely, **Akali Mondal and Raja Mondal**, 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 the 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 and the petitioner nos. 2 and 3 shall meet the I.O. once in a week with further conditions that the petitioner nos. 2 and 3 shall stay outside the jurisdiction of Palashipara Police Station and shall provide the addresses where they will stay, to the I.O. The petitioner nos. 2 and 3 shall not enter the jurisdiction of Palashipara Police Station except for the purpose of meeting the I.O. and attending the court proceedings till the submission of final report and the petitioner nos. 2 and 3 shall appear before the learned Additional Chief Judicial Magistrate at Tehatta, Nadia within two weeks from date.
6. In the event the petitioner nos. 2 and 3 fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court
7. Accordingly, the application for anticipatory bail of the petitioner no.1 is rejected. The prayer for anticipatory bail of the petitioner nos. 2 and 3 is allowed.

8. CRM (A) 2508 of 2024 is, thus, disposed of.
9. 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.)