

30.07.2024
Court No.29
Item No. 99

Allowed

sg

CRM (A) 2558 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, in connection with Malda Police Station Case No. 207 of 2024 dated 13.04.2024 under Sections 325/379/306/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Malda.

And

In Re: **Osman Sekh & Anr.**

Petitioners

Md. Wasim Akram

For the Petitioners

Ms. Baisali Basu

Ms. Debjani Dasgupta

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case.
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 neighbours to show that the deceased had relationship with the petitioner no.2 and the petitioner no.2 is the principal accused.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of alleged offence and also having regard to the fact that due to broken relationship between the deceased and the petitioner no.2, the victim had committed suicide, as revealed from the postmortem report and in view of the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **Osman Sekh and Rosni Bibi**, 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 Chief Judicial Magistrate at Malda, 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 and subject to further condition that the petitioners shall appear before the trial court within two weeks from date and thereafter 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) 2558 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.)