

Court No. 29
(266041)

CRM (A) 2577 of 2024

31.07.2024

(AD 32)

(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Kirnahar Police Station Case No. 59 of 2024 dated 04.05.2024 under Sections 498A/323/302/34 of the Indian Penal Code, and under Section 3/4 of the Dowry Prohibition Act, pending before the learned Chief Judicial Magistrate, Bolpur, Birbhum.

And

In the matter of: **Moluda Bibi @ Maluda Bibi & Ors.**
...petitioners

Mr. Sujoy Sarkar
Mr. Rahul Chachan
Ms. Sneha Srivastava

... for the petitioners

Mr. Soumik Ganguly
Mr. Debarshi Brahma

... for the State

1. Claiming parity with Farida Bibi & Anr. (in CRM(A) 2348 of 2024) and Ajnal Sk. @ Sanowar Sk. @ Aajnal Sekh (in CRM(A) 1979 of 2024), decided on 11.07.2024 and 27.06.2024 respectively, a prayer for anticipatory bail has been made on behalf of the present petitioners.
2. Learned counsel for the State has fairly submitted that the petitioners are standing on the same footing as co-accused who have been granted anticipatory bail.
3. Considering the materials available in the case diary and considering the fact that the present petitioners are standing on the same footing as that of Ajnal Sk. @ Sanowar Sk. @ Aajnal Sekh who was granted anticipatory bail by a coordinate Bench on 27th June, 2024 in CRM(A) 1979 of 2024 and also having regard to the fact that the allegation

appears to be omnibus in nature, we are of the view that the custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall cooperate with the investigation and appear before the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum in connection with G. R. Case No. 611 of 2024 within two weeks from date.
5. Accordingly, the application for anticipatory bail is allowed.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)