

06.08.2024
Sl No.40
Court No.29
TN
(Allowed)

CRM (A) 2660 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Banshihari Police Station Case No. 196 of 2024 dated 12.06.2024 under Sections 341/323/354/304/34 of the Indian Penal Code.

And

In the matter of : **Sheelu Hajra and others**

.... petitioners.

Ms. Busra Khatoon

....for the petitioners

Mr. Pravash Bhattacharya,
Mr. Dattatreya Dutta

... for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned counsel for the State has produced the case diary and has drawn our attention to the post mortem report and other medical documents.
3. The case was registered on the basis of an application filed by the daughter of the deceased under Section 156(3) of the Code of Criminal Procedure alleging physical assault by the petitioners on 5th March, 2024 at about 10 a.m. The parents of the *de facto* complainant were on their way to the matrimonial home of the *de facto* complainant. When they came to the house of the *de facto* complainant, it was alleged that the petitioners physically prevented the parents of the

de facto complainant to enter the house and started assaulting the deceased.

4. The father of the *de facto* complainant was allegedly physically assaulted by fist, blows and kicks. The post mortem report shows that the death was due to the effects of injuries. The injury was noted in various parts of the body including the left chest wall.
5. Considering the materials available in the case diary and the apparent discrepancy as to the place of occurrence of such assault which may have assaulted in the death of the victim as it appears from the medical report that it was reported on behalf of the deceased at the time of admission to the NRS Medical College and Hospital that he fell down at his own village due to slip and sustained head injury and the alleged physical assault on the petitioners on 5th March, 2024 may not have been the cause of death, we are inclined to grant anticipatory bail to the petitioners.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sheelu Hajra, Santosh Hajra, Tapasi Bhimali, Chhotan Hazra, Nitai Hazra and Sompa Hazra** respectively 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 BNSS, 2023.

7. The petitioner nos. 2, 4 and 5 shall meet the Investigating Officer once in a week or as and when required till submission of the final report. The petitioner nos. 1, 3 and 6 shall cooperate with the investigation.
8. The petitioners shall not leave the District: Dakshin Dinajpur except for the purpose of meeting the Investigating Officer and attending the court.
9. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur within two weeks from date and pray for regular bail.
10. Accordingly, the application for anticipatory bail is disposed of.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)