

10.09.2024
SL No.19
Court No.29
(gc)
(Allowed)

CRM (A) 2912 of 2024

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, 2023 filed in connection with Jhargram Police Station Case No.134 of 2024 dated 11.05.2024 under Sections 498A/323/325/406/307/34 of the Indian Penal Code, whereby charge sheet has been submitted under Sections 498A/323/406/307/34 of the Indian Penal Code.

And

In the matter of : **Surja Kanta @ Surajkanta Biswas**

- Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Supriyo Das,
Ms. Madhurai Sinha

....For the Petitioner.

Mr. Anowar Hossain,
Mr. Raju Mondal

... For the State.

Ms. Tannistha Bandyopadhyay
....For the De facto complainant.

1. Heard the learned Counsel for the parties.
2. The petitioner is the brother-in-law of the de facto complainant.

It is alleged that after the death of the husband of the de facto complainant, the petitioner has taken away various financial documents including the ATM Card and has withdrawn huge amount depriving the de facto complainant of her share. It is further submitted that the brother of the de facto complainant is a police personnel and he is influencing the investigation.

3. The learned Counsel for the petitioner submits that the de facto complainant has left the matrimonial home due to strain relationship and on her own volition and no one has prevented her from entering or staying at the matrimonial home.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and also the statement of the neighbours and the case diary does not reveal of any physical injury and also having regard to the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Surja Kanta @ Surajkanta Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.
6. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Jhargram in connection with G.R. Case No.408 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)