

02.09.2024
A-21
Court No. 29
TN
(Allowed)

CRM (A) 2829 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Banshihari Police Station Case No.40 of 2024 dated 22.02.2024 under Sections 376/306/34 of the Indian Penal Code.

And

In the matter of: **Prabir Mahato**

.... petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatun

....for the petitioner

Mr. Sabir Ahmed,
Mr. Tamim Ahmed

... for the *de facto* complainant

Mr. Bitasok Banerjee,
Mr. Asraf Mondal

....for the State

1. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned counsel for the *de facto* complainant and the State in opposing the prayer for anticipatory bail have submitted that the immediate cause of her death is the instigation and sudden withdrawal from the relationship by the petitioner. In fact, he has abetted suicide. It is further submitted that after the marriage was fixed, he has snapped the relationship.
3. 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 considering the WhatsApp messages exchanged between the parties long

prior to the incident as produced before us wherefrom it appears that the relationship was having its ups and downs, we are of the view that custodial interrogation of the petitioner is not necessary.

4. However, we direct the petitioner to surrender his mobile with the Investigating Agency within two days from date without deleting any chat.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Prabir Mahato** 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. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
7. It is further directed that the petitioner shall not enter the jurisdiction of the Banshihari police station except for the purpose of meeting the Investigating Officer and attending the court, till submission of the final report.
8. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur within two weeks from date and pray for regular bail.
9. The report of the State is kept on record.

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.)

(Shampa Dutt (Paul), J.)