

22.08.2024

Court No.29

Item No. 11

**Partly
Allowed**

ar

CRM (A) 2894 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Suti Police Station Case No. 301 of 2024 dated 28.04.2024 corresponding to G.R Case No. 1245 of 2024 under Sections 341/325/326/34 of the Indian Penal Code.

And

In Re: **Nabab Sk & Ors.**

Petitioners

Mr. Anisur Rahaman

For the Petitioners

Mr. Kaushik Kundu

Mr. Atanu Ghosh

For the State

1. Heard the learned counsel appearing for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the statement of the injured and having regard to the role that may be ascribed to the petitioner nos. 3,4,5 and 6, who are family members and they may not have direct participation in the commission of the alleged offence, we are inclined to grant anticipatory bail to **the petitioner nos. 3,4,5 and 6**. However, having regard to the active participation of the petitioner nos. 1 and 2 in the commission of the alleged offence, we are not inclined to grant anticipatory bail to the **petitioner nos. 1 and 2**.
3. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 3, Aklema Bibi @ Aklema Khatun, the petitioner no. 4, Nurbanu Bibi @ Anowara Bewa, the petitioner no. 5, Sumaiya Bibi @ Sumera**

Bibi and the petitioner no. 6, Jasmin Khatun shall be released on bail upon furnishing a bond of Rs.10,000/-each , with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The **petitioner nos. 3,4,5 and 6** shall cooperate with the investigation till the submission of the final report and on further condition that the **petitioner nos. 3,4,5 and 6** shall appear before the learned Additional Chief Judicial Magistrate, Murshidabad at Jangipur, corresponding to G.R Case No. 1245 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the **petitioner nos. 3,4,5 and 6** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 1 and 2** stands rejected and the application is accordingly disposed of.
5. 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)

