

28.08.2024
Court No.29
Item No. 37

Allowed

cm

CRM (A) 2932 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Bamongola Police Station
Case No. 60 of 2023 dated 10.04.2023 under Sections 498A/306/120B of the
Indian Penal Code, pending before the learned Chief Judicial Magistrate, Malda.

And

In Re: **Sudip Biswas**

Petitioner

Mr. Rhiddhiman Mukherjee

For the Petitioner

Mr. Imran Ali,
Mr. De Banik Das,

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is further submitted that he claimed to be a friend of the principal accused Biswadip Sarkar, the husband of deceased and accordingly Section 498A cannot and does not have any manner of application insofar as the present petitioner is concerned.
2. The learned Counsel of the State in opposing his prayer has produced the case diary and the statement of the grandmother of the deceased.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the statement of the grandmother of the deceased recorded under Section 164 Cr.P.C. which does not implicate the petitioner and charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.

1. Accordingly, we direct that in the event of arrest the petitioner namely, **Sudip Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.
2. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
3. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
4. 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.)