

29.08.2024
SL No.36
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2947 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 Raghunathganj Police Station Case No.439 of 2024 dated 25.04.2024 under Sections 448/325/326/307/34 of the Indian Penal Code.

And

In the matter of : **Chobinur Bibi & Ors.**

- Petitioners.

Mr. Sandip Chakraborty

....For the Petitioners.

Mr. Arindam Sen,

Mr. Soham De Dhara

... For the State.

Mr. Tapodip Gupta

....For the De facto Complainant.

1. The learned Counsel for the petitioners submits that due to family dispute, the petitioners have been falsely implicated.
2. The learned Counsel for the State has produced the case diary and has referred to the statement of the injured and neighbours as well as the injury report.
3. 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 having regard to the fact that all the witnesses including the injured witnesses have named the petitioner nos.2, 3 and 4 specifically, we are not inclined to grant anticipatory bail to the petitioner nos.2, 3 and 4.
4. Accordingly, the prayer for anticipatory bail of the petitioner nos. 2, 3 and 4, namely, **Rafikul Sk, Rajibul Sk and Rohit Sk @ Sk Rohit** is rejected.

5. However, having regard to the role of the petitioner no.1 may not be same as that of the role of the other petitioners and she is a lady, we are of the view that custodial interrogation of the petitioner no.1 is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Chobinur Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, 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. It is directed that the petitioner no.1 shall cooperate with the investigation till the conclusion of the final report.
7. It is further directed that the petitioner no.1 shall appear before the learned Additional Chief Judicial Magistrate, Jangipur in connection with G.R. Case No.1226 of 2024 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)