

02.09.2024

Court No.29

Item No. 45

**Partly
Allowed**

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CRM (A) 3011 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 Memari Police Station Case No. 575 of 2024 dated 08.07.2024 corresponding to G.R Case No. 3466 of 2024 under Sections 85/316(2)/108/62 of the Bharatiya Nyaya Sahita, 2023 read with Section 4 of the Dowry Prohibition Act.

And

In Re: Md. Saidar Rahim & Ors.

Petitioners

Mr. Uday Sankar Chattopadhyay

Ms. Trisha Rakshit

Ms. Rajashree Tah

Ms. Aishwarya Datta

For the Petitioners

Mr. Arnab Chatterjee

Mr. Subhajit Chowdhury

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 having regard to the fact that there are incriminating materials showing torture upon the deceased and the deceased ultimately succumbed to her death due to extensive fire injury, we are not inclined to grant anticipatory bail to **the petitioner nos. 1 and 2**. However, having regard to the involvement of the petitioner no. 3 in the commission of the alleged offence that the petitioner no. 3 being the married sister-in-law and she is living in a separate residence under different police station, we are inclined to grant anticipatory bail to the **petitioner no. 3**.

3. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 3, Samima Yasmin** 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 no. 3** shall cooperate with the investigation till the submission of the final report and on further condition that the **petitioner no. 3** shall appear before the **learned Chief Judicial Magistrate, Purba Bardhaman**, corresponding to **G.R Case No. 3466 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 no. 3** 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)

(Shampa Dutt (Paul), J)