

02.09.2024
A-57
Court No.29
TN
(Allowed)

CRM (A) 3023 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Murutia Police Station Case No.208 of 2024 dated 11.07.2024 under Sections 85/108/3(5) of the BNS, 2023.

And

In the matter of: **Rafikul Sk. @ Daku Sk. @ Rakibul Sk. and another**

.... petitioners

Mr. Asraf Mandal

....for the petitioners

Mr. Kaushik Biswas,
Mr. Subhasish Dutta

....for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is further submitted that after nine years of marriage, the complainant sister committed suicide by hanging.
2. The learned counsel for the State in opposing the prayer has referred to the post mortem report and the statement of the complainant and the neighbours recorded under Section 164 of the Code of Criminal Procedure.
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 the post mortem report which suggests the cause of death was due to hanging ante mortem in nature and no external injury was found on the body, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Rafikul Sk. @ Daku Sk. @ Rakibul Sk.** and **Kalu Sk.** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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.
5. The petitioners shall meet the Investigating Officer once in a week till submission of the final report.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia within two weeks from date and pray for regular bail.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)