

05.09.2024
Court No.29
Item No. 38

Allowed
sg

CRM (A) 3103 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Berhampore Police Station Case No. 496 of 2024 dated 07.04.2024 under Sections 498A/302/304B/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In Re: **Anjali Das @ Sarkar & Anr.**

Petitioner

Ms. Shabana Hasin
Ms. Samima Akter

For the Petitioner

Ms. Minoti Gomes
Ms. Sonali Bhar

For the State

1. We have heard the learned counsel 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 alleged offence and the statement of the son of the deceased recorded under Section 164 of the Code of Criminal Procedure which directly implicates the father in the commission of the alleged offence and also having regard to the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioners namely, **Anjali Das @ Sarkar and Dipchandra Das**, 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 learned Chief Judicial Magistrate, Berhampore, Murshidabad, subject to conditions as laid down

under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioners appear before the trial court on each and every date of hearing until further orders.

4. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. 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.)