

09.09.2024  
Court No.29  
Item No. 14

Allowed  
sg

### CRM (A) 3144 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 Kharagpur Local Police Station Case No. 240 of 2024 dated 18.03.2024 under Sections 498A/323/325/307/376D/376(2)(m)/34 of the Indian Penal Code read with Sections 3/4 of D.P. Act, pending before the learned Chief Judicial Magistrate, Paschim Medinipur.

And

In Re: **Madhumita Jana & Ors.**

Petitioners

Mr. Kalidas Saha  
Ms. Kushi Mollick  
Ms. Mondira Mondal

For the Petitioners

Mr. Suman De  
Mr. Sachit Talukdar

For the State

1. The affidavit of service filed in Court today is taken on record.
2. In spite of service, the victim is not represented.
3. Claiming parity with the co-accused persons namely, Nilkamal Jana, who has been granted anticipatory bail in CRM (A) 2421 of 2020 on 5<sup>th</sup> August, 2024, a prayer for anticipatory bail is made on behalf of the present petitioners.
4. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that although the petitioner nos. 1 and 2 may stand on the same footing as the present petitioner however, the petitioner no.3 stands on the different footing. The learned Counsel has referred to the statement of the victim and medical reports.

5. Nilkamal Jana is the brother-in-law of the victim. He was granted anticipatory bail on 5<sup>th</sup> August, 2024. The husband of the victim was granted bail by the learned Trial Court.
6. We are unable to accept the submission made on behalf of the State that the petitioner no.3 stands on the different footing than Nilkamal Jana. The principal accused appears to be the husband who has been enlarged on bail.
7. Moreover, we have taken into consideration the role of petitioner no.3 and the allegations are general in nature. The reasoning on which we granted Nilkamal Jana anticipatory bail, equal benefit may be extended to the present petitioners also.
8. Considering the said factors, we are of the view that the custodial interrogation of the present petitioners is not necessary.
9. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Madhumita Jana, Kanailal Jana and Namita Rani Jana**, 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner no.2 shall meet the I.O. once in a week and the petitioner nos. 1 and 3 shall cooperate with the investigation till the submission of the final report. The petitioners shall appear before the learned Chief Judicial Magistrate, Paschim Medinipur within two weeks from date.

10. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
11. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
12. 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.)**