

06.09.2024

Court No.29
Item No. 15

BM/Aloke

CRM (A) 3135 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 in connection with Gangarampur P.S. Case No. 236 of 2024 dated 14.05.2024 under Sections 498A/304B/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur.

And

In Re: **Gayanath Sarkar & Ors.**

Petitioners

Mr. Kaushik Chowdhury

... For the Petitioners

Mr. Ranabir Roy Chowdhury

Mr. Soumya Basu Ray Chowdhuri

... For the State

1. Heard the learned counsel for the parties.
2. The petitioners are in-laws of the deceased. It is submitted that they are innocent and the husband of the deceased is in custody.
3. Considering the materials available in the case diary and the nature of the complicity of the alleged commission of offence and also having regard to the fact that the allegations are omnibus in nature and no specific act has been attributed to the petitioners, 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, **Gayanath Sarkar, Mamata Sarkar, Kakali Barman @ Kakali Sarkar and Biswanath Barman** 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 Additional Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur, subject to conditions as laid down under

Section 438(2) of the Code of Criminal Procedure and on condition that the petitioner nos. 1 and 4 shall meet the Investigating Officer once in week and petitioner nos. 2 and 3 shall cooperate with Investigating Officer till the submission of the final report, subject to further condition that the petitioners shall appear before the trial Court within two weeks from date thereafter on each and every date of hearing until further orders.

5. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 3135 of 2024 is, thus, disposed of.
8. 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.)