

09.09.2024

Court No.29

Item No. 08

**Partly
Allowed**

ar

CRM (A) 3138 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 Kaliaganj Police Station Case No. 74 of 2024 dated 16.01.2024 corresponding to G.R Case No. 351 of 2024 under Sections 498A/304B/306/406/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961.

And

In Re: **Basudeb Das & Ors.**

Petitioners

Ms. Rituparna De Ghose

Mr. Soumyadeep Ghosh

For the Petitioners

Ms. Sreyashee Biswas

Ms. Snigdha Saha

For the State

1. Heard the learned counsel for the parties.
2. The victim died within one year of marriage. It alleges that since the victim could not fulfill the desire of her in-laws, she was tortured and finally she succumbed to death by hanging. It further reveals that the husband of the victim was arrested and subsequently enlarged on bail.
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 statement of the parents of the victim, we are not inclined to grant anticipatory bail to **the petitioner nos. 1 and 2**. However, considering the materials available in the case diary, the nature and extent of complicity of the petitioner nos. 3,4 and 5 in the alleged offence and having regard to the fact that the victim committed suicide at her parents'

house and the allegation against the petitioner nos. 3,4 and 5 are omnibus in nature and moreover, the charge-sheet has already been filed, we are inclined to grant anticipatory bail to the **petitioner nos. 3, 4 and 5.**

4. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 3, Biswajit Das, the petitioner no. 4, Dipshika Das and the petitioner no. 5, Pradip 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, 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 and on further condition that the **petitioner nos. 3, 4 and 5** shall appear before the **learned Sessions Judge, Nadia**, corresponding to **G.R Case No. 351 of 2024** within two weeks from date and the petitioner nos. 3, 4 and 5 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner nos. 3, 4 and 5 shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.
5. Accordingly, the prayer for anticipatory bail of the **petitioner nos. 3, 4 and 5** is allowed, however, the prayer for anticipatory bail of the **petitioner nos. 1 and 2** stands rejected and the application is accordingly disposed of.

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)