

10.09.2024
Court No.29
Item No. 36

Partly Allowed
sg

CRM (A) 3187 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 Bhagwangola Police Station Case No. 362 of 2024 dated 12.07.2024 under Sections 126(2)/115(2)/117(2)/118(2)/109/103(1)/3(5) of the BNS, pending before the learned Additional Chief Judicial Magistrate at Lalbagh, Murshidabad.

And

In Re: **Kadam Bibi & Ors.**

Petitioners

Md. Abdur Rakib
Mr. Biswajit Sarkar

For the Petitioners

Mr. Bitasok Banerjee
Mr. Mainak Gupta

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated due to family enmity.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of one of the injured witnesses who happens to be son of the deceased.
3. Considering the materials available in the case diary and having regard to the fact that one of the injured namely the son of the deceased has directly implicated the petitioner nos.2 and 3 for the physical assault which has ultimately resulted death of the victim, we are not inclined to grant anticipatory bail to the petitioner nos. 2 and 3.
4. However, having regard to the fact that there is nothing specific about the role of the petitioner no.1, we are of the view that custodial interrogation of the petitioner no.1 is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner no.1, namely, **Kadam Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, 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.1 shall meet the I.O. as and when required following the norms applicable to a woman accused till the submission of the final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate at Lalbagh, Murshidabad, within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is allowed and the prayer for anticipatory bail of the petitioner nos. 2 and 3 is rejected.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)