

10.09.2024

Court No.29

Item No. 63

Allowed

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CRM (A) 3214 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Banshihari Police Station Case No. 121 of 2024 dated 28.04.2024 corresponding to G.R Case No. 419 of 2024 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re: Aruna Roy @ Jhako Roy & Anr.

Petitioners

Mr. Kaushik Chowdhury

For the Petitioners

Ms. Faria Hossain

Mr. Arani Bhattacharyya

For the State

1. Learned counsel for the petitioners submits that the petitioners are neighbours and they have been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail submits that the petitioners are the village people and neighbours who gathered at the house of the victim and assaulted her.
3. Considering the materials available in case diary, the statement of the neighbours wherefrom it appears that the victim has love relationship with one Utpal Roy. It is alleged that said Utpal Roy along with his wife and other villagers have raided the house of the petitioners and also taking into consideration that no specific overt act has been attributed to the present petitioners in respect of the alleged offence and apparently it appears that the victim has committed suicide, 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, **Aruna Roy @ Jhako Roy and Felani Roy** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, 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. The petitioners shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the **learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur**, within two weeks from date in connection with **G.R Case No. 419 of 2024**. 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 petitioners is allowed and the same 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)

(Prasenjit Biswas, J)