

11.09.2024
SL No.17
Court No.29
(gc)
(Partly-allowed)

CRM (A) 3221 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 filed in connection with Hariharpara Police Station Case No.42 of 2024 dated 31.01.2024 under Sections 341/326/307/34 and adding Section 302 of the Indian Penal Code.

And

In the matter of : **Chandan Saha & Anr.**

- Petitioners.

Mr. Sabir Ahmed,
Mr. Dhiman Banerjee

....For the Petitioners.

Mrs. Amita Gaur,
Mr. Sujoy Sarkar

... For the State.

1. The learned Counsel for the petitioners submits that due to family dispute and pending litigation between the parties, a false complaint has been lodged against the petitioners.
2. The learned Counsel for the petitioners has also submitted that Nabakumar Saha, one of the co-accused, has been granted bail by the Coordinate Bench in CRM (DB) 2271 of 2024 on 1st August, 2024.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner no.1 in the commission of the alleged offence and having regard to the fact that the eyewitnesses have directly implicated the petitioner no.1 on a physical assault which ultimately cause the death of the victim, we are not inclined to grant anticipatory bail to the petitioner no.1.

4. Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, **Chandan Saha**, is rejected.
5. However, having regard to the role of the petitioner no.2 in the commission of the alleged offence and she is a lady, we are of the view that custodial interrogation of the petitioner no.2 is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Bulu Rani Saha @ Bulu Saha**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 BNSS, 2023 and on further condition that the petitioner no.2 shall meet the I.O. as and when required following the norms applicable to the female accused till the submission of the final report.
7. It is further directed that the petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Murshidabad at Berhampore in connection with G.R. Case No.456 of 2024 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)