

13.09.2024
Court No.29
Item No.14

Allowed
sg

CRM (A) 3280 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 Joypur Police Station Case no. 107 of 2024 dated 21.06.2024 punishable under Section 302/201/120-B of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In Re: **Kamala Das**

Petitioner

Mr. Dipanjan Chatterjee
Ms. Kakan Das
Ms. Rimpa Adhikari

For the Petitioner

Ms. Amita Gaur
Ms. Pinky Sarkar

For the State

1. The learned Counsel for the petitioner submits that the petitioner is the mother of Joyprakash Das and she is no way involved in the commission of the alleged offence and she has been falsely implicated. It is further submitted that Joyprakash Das is in custody.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary and the statements of a friend of the deceased and other witnesses to demonstrate that the present petitioner accompanied Joyprakash Das to the place of Kaushik Roy, deceased, during negotiation.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence and prima facie the case diary does not disclose any active involvement of the petitioner in the commission of alleged offence, inasmuch as the postmortem

report shows that the death was due to effect of anti mortem hanging, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Kamala Das**, shall be released on bail upon furnishing a bond of Rs.5,000/-, 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 shall meet the I.O. as and when necessary following the norms applicable to a woman accused till the submission of the final report. The petitioner shall appear before the jurisdictional court within two weeks from date.
5. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel her bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
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.)