

13.09.2024
SL No.17
Court No.29
(gc)
(Partly-allowed)

CRM (A) 3284 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 Kaliachak Police Station Case No.757 of 2024 dated 28.05.2024 under Sections 498A/304B/306/34 of the Indian Penal Code.

And

In the matter of : **Asik Ikbal & Ors.**

- Petitioners.

Mr. Tirthankar Dhali,
Mr. Sayantan Adhya,
Mr. P. Chowdhury,
Mr. N.H. Choudhury

....For the Petitioners.

Mr. Debabrata Chatterjee,
Mr. Prakash Mishra

... For the State.

1. Heard the learned Counsel for the parties.
2. 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 the case diary, *prima facie*, reveals physical torture by the petitioner no.1 prior to the victim died, we are not inclined to grant anticipatory bail to the petitioner no.1.
3. Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, **Asik Ikbal**, is rejected.
4. The petitioner nos.2 and 3 are the in-laws of the deceased.
5. However, having regard to the role ascribed to the petitioner nos.2 and 3 as transpired from the case diary, we are of the view that custodial interrogation of the petitioner nos.2 and 3 is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3, namely, **Tauraj Sk @ Md. Tauraj Sk** and **Misara Bibi @ Misara Khatun**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, 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 BNSS, 2023 and on further condition that the petitioner no.2 shall meet the I.O. once in a week and the petitioner no.3 shall cooperate with the investigation till the submission of the final report.
7. It is further directed that the petitioner nos.2 and 3 shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.3564 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.)