

03.10.2024

Court No.29

Item No. 22

Allowed

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CRM (A) 3371 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 in connection with Suti Police Station Case No. 473 of 2024 dated 29.06.2024 corresponding to G.R Case No.2085 of 2024 under Sections 323/326/354B/376/511/379/34 of the Indian Penal Code.

And

In Re: **XXX & Ors.**

Petitioners

Ms. Benajir Hasna

Mr. Aliul Islam

For the Petitioners

Mr. Binoy Kumar Panda

Ms. Suparna Chatterjee

For the State

Ms. Tannistha Bandyopadhyay

For the Victim  
(appointed by Legal Aid)

1. The petitioner no. 1 is the husband of the de-facto complainant, the petitioner no. 2 is the father-in-law of the de-facto complainant, the petitioner no. 3 is the mother-in-law of the de-facto complainant, the petitioner no. 4 is the sister-in-law of the de-facto complainant, the petitioner no. 5 is the second wife of the de-facto complainant, the petitioner no. 6 is the brother-in-law of the de-facto complainant, the petitioner no. 7 is the wife of the brother-in-law of the de-facto complainant and the petitioner no. 8 is the husband of the sister-in-law of the de-facto complainant. It is submitted that they have been arraigned as accused in an application filed by the de-facto complainant under Section 156(3) Cr.P.C, 1973 after 25 days of the date of the incident with false complaint.

2. Learned counsel for the de-facto complainant has submitted that he has been physically and mentally tortured by the husband and his family members including the second wife of the petitioner.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the de-facto complainant recorded under Section 164 Cr.P.C and the medical report.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the medical report wherefrom it appears that the de-facto complainant has refused medical examination and exonerated the husband, father-in-law and mother-in-law and having regard to the nature of involvement of others, which appears in general and omnibus in nature and more over the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ansarul Sk @ Mota, Shish Mahammad, Najema Bibi, Eslema Bibi @ Islema Khatun, Sulekha Bibi @ Sulekha Khatun @ Siuty, Mosa Sk, Sanuara Bibi and Tutul Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered surety 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 and on further condition that the petitioners shall appear before the **learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad**, corresponding to **G.R Case No. 2085 of 2024** on or before **8<sup>th</sup> October, 2024** from date and the petitioners shall not intimidate the witnesses or

tamper with evidence in any manner whatsoever. It is further ordered that the petitioners shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Soumen Sen, J)**

**(Uday Kumar, J)**