

19.09.2024
Court No.29
Item No. 20

Allowed

sg

CRM (A) 3354 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 Act, in connection with Habibpur Police Station Case No. 153 of 2024 dated 05.06.2024 under Sections 498A/304B/302/34 of the Indian Penal Code and under Section 6 of the POCSO Act and under sections 9/10 of the Child Marriage Act, pending before the learned Judge, Special Court, ADJ, 2nd Court, Malda.

And

In Re: **XXX, Elderly Mother-in-law & Ors.**
Petitioners

Mr. Sagar Saha
Mr. Nurnobi Seikh

For the Petitioners

Ms. Anasuya Sinha
Mr. Manoranjan Mahata

For the State

1. Leave is given to the petitioner to correct the description of the petition.
2. We have heard the learned Counsel for the parties.
3. Considering the materials available in the case dairy, the nature and extent of complicity of the present petitioners in the commission of alleged offence and also having regard to the report which suggests the death due to hanging and the allegation against the present petitioners are general and omnibus in nature and in view of the fact that the husband of the deceased was in custody and moreover charge sheet has already been filed, we are of the view that the custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest the present petitioners 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 learned Judge, Special Court, ADJ, 2nd Court, Malda, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and subject to further condition that the petitioners shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.

5. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners 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.)

(Uday Kumar, J.)