

Court No. 29
(266041)

CRM (A) 3426 of 2024

24.09.2024

(AD 15)

(S. Banerjee)

(Allowed)

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 in connection with Baishnabnagar Police Station Case No. 125 of 2024 dated 15.02.2024 under Sections 195(A)/323/313/304/34 of the Indian Penal Code 1860, pending before the learned Chief Judicial Magistrate, Malda.

And

In the matter of: **Mahibur Sk. @ Mahibur & Ors.**
...petitioners

Ms. Minoti Gomes
... for the petitioners
Mr. Kunal Ganguly
... for the State

1. Heard learned counsel for the parties.
2. Leave is granted to correct the cause-title as it has been stated that charge-sheet has been filed under Section 313 of the Indian Penal Code.
3. The petitioners are the in-laws of the de facto complainant. It is submitted that they have been falsely implicated in the present case.
4. Learned counsel for the State while opposing the prayer has referred to the statement of the de facto complainant and the medical reports.
5. Considering the materials available in the case diary, the nature and extent of complicity of the present petitioners in commission of the alleged offence and having regard to the

fact that the husband of the complainant was arrested and was subsequently enlarged on bail and the medical report which does not prima facie suggest miscarriage due to assault, we are of the view that custodial interrogation of the petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioners (1. Mahibur Sk. @ Mahibur; 2. Mayna Khatun; 3. Manuara @ Manuyara Bibi and 4. Raseda @ Rasheda Khatun) shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two registered sureties of like amount, to the satisfaction of the arresting officer and 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, 2023.
7. The petitioners shall appear before the jurisdictional court within two weeks.
8. Accordingly, the application for anticipatory bail is allowed.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)