

Court No. 29
(266041)

CRM (A) 3431 of 2024

24.09.2024
(AD 20)
(S. Banerjee)

(Allowed)

In re: ^e 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 Suti Police Station Case No. 374 of 2024 dated 01.06.2024 under Sections 302/34 of the Indian Penal Code 1860, pending before the learned Chief Judicial Magistrate, Murshidabad.

And

In the matter of: **Abul Seikh**

...petitioner

Ms. Shabana Hasin
Ms. Samima Akter Banu
Ms. Neha Roy

... for the petitioner

Mr. Soumik Ganguly
Mr. Soumadip Saha

... for the State

1. Heard learned counsel for the parties.
2. The petitioner is the father of the first wife of the deceased.
It is submitted that the petitioner has been falsely implicated.
3. Learned counsel for the State has referred to the statement of the brother of the deceased and the post-mortem report.
4. Considering the materials available in the case diary, nature and extent of the alleged offence and the complicity of the petitioner in the commission of the alleged offence and that the present petitioner has not been specifically mentioned by the brother of the deceased in his statement recorded under Section 164 Cr.P.C. and no specific overt act has

been ascribed to the present petitioner and also having regard to the fact that one of the accused named by him, namely, Abdul Khalek was arrested and subsequently enlarged on bail and also having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners (Abul Seikh) shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount, one of whom must be local, 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.
6. The petitioner shall appear before the jurisdictional court within a fortnight and shall attend the court on each and every date of trial.
7. Accordingly, the application for anticipatory bail is allowed.
8. 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.)