

01.10.2024
AD-38
Court No.29
TN
(Allowed)

CRM (A) 3512 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, filed in connection with Balurghat Police Station Case No. 500 of 2024 dated 27.06.2024 under Sections 498A/323/376/363/506/34 of the IPC.

And

In the matter of: **Mamata Barman and another**

.... petitioners

Ms. Sujata Das

....for the petitioners

Mr. Md. Adil Badr, Ld. Jr. Govt. Adv.,
Ms. Debjani Dasgupta

....for the State

1. In spite of service, the *de facto* complainant is not represented.
2. The affidavit of service is kept with the record.
3. Heard the learned counsel for the parties.
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 particularly the statement of the *de facto* complainant recorded under Section 164 of the Code of Criminal Procedure in which the brother-in-law of the victim appears to be the principal accused and considering the role ascribed to the present petitioners, 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, **Mamata Barman** and **Nikhil Barman**

respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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.

6. The petitioner no.1 shall cooperate with the investigation and the petitioner no.2 shall meet the Investigating Officer once in a week till submission of the final report.
7. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur within one week 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.)

(Uday Kumar, J.)