

07.10.2024
SL No.32
Court No.29
(gc)
(Allowed)

CRM (A) 3590 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Suti Police Station Case No.374 of 2024 dated 01.06.2024 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 302/120B/34 of the Indian Penal Code.

And

In the matter of : **Shish Mohammed @ Sish Mohammed**
.... Petitioner.

Ms. Shabana Hasin,
Ms. Samima Akter Banu,
Ms. Neha Roy
....For the Petitioner.

Mr. Avishek Sinha,
Mr. Aslam Parvez
... For the State.

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the petitioner submits that the petitioner is the uncle of the first wife of the deceased. The first wife of the deceased lodged a complaint under Section 498A of the Cr.P.C. against the deceased and out of grudge, a false complaint has been lodged against the petitioner.
3. The learned Counsel for the State has produced the case diary and refers to the statement of the brother of the deceased.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the brother of the deceased suspects the petitioner as one of the persons responsible for the death of his elder brother and having regard to

the fact that the first wife of the deceased lodged a complaint against the deceased and his family members prior to the incident, the possibility of false accusation cannot be completely ruled out and moreover, the 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 petitioner namely, **Shish Mohammed @ Sish Mohammed**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023.
6. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Murshidabad in connection with G.R. Case No.1602 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)