

07.10.2024
SL No.99
Court No.29
(SSS)
(Allowed)

CRM (A) 3667 of 2024

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023; under Section 483 of the Code of Criminal Procedure, 1973 filed in connection with Salar Police Station Case No.200 of 2024 dated 04.07.2024 under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of Kalu Sk @ Ibadat Sk @ Sekh Ibadat.

- Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas, Advs.
.....For the petitioner.

Mr. Binoy Kumar Panda,
Ms. Diksha Ghosh, Advs.
....For the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the uncle-in-law of the deceased and uncle of the principal accused.
3. Considering the materials available in the case diary and having regard to the extent and nature of the dispute and involvement of the petitioner in the commission of alleged offence and having regard to the statements of the witnesses, wherefrom it appears that he was present at the time of quarrel as between the parties and there is no specific role assigned to the petitioners in relation to the offence in question, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Moreover, the PM report shows that the death was due to the effect of hanging and anti-mortem in nature. Charge sheet has also been submitted.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Kalu Sk @ Ibadat Sk @ Sekh Ibadat** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two sureties of like amount each, 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. The petitioners shall deposit the mobile with the Investigating Officer for forensic examination within 24 hours without tampering with the said mobile. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad in connection with G.R. Case No.1201 of 2024 and pray for regular bail within two weeks from date and shall meet the I.O once in a fortnight.
6. The petitioners shall not leave the jurisdiction of Police Station Salar without the leave of the Investigating Officer.
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.)