

07.10.2024
Court No.29
Item No. 106

Partly Allowed

sg

CRM (A) 3674 of 2024

In Re:- An application for anticipatory bail under Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Domkal Police Station Case No. 466 of 2024 dated 28.07.2024 under Section 126(2)/115(3)/118(3)/109/3(5) of BNS, pending before the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In Re: **Tahura Bibi @ Tohora Bibi & Ors.**
Petitioners

Mr. Tanmay Basu

For the Petitioners

Ms. Shaila Afrin

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case diary, the statement of the victim recorded under Section 180 BNSS and the medical document including the injury report which supports the statement of the victim recorded and also in view of the fact that there are prima facie sufficient incriminating materials against the present petitioner no.2, we are not inclined to grant anticipatory bail to the petitioner no.2.
3. However, considering the nature and extent of involvement of the petitioner nos. 1 and 3 in the commission of alleged offence and also having regard to the rule ascribed to the petitioner nos. 1 and 3 which appears to be general and omnibus in nature and also in view of the fact that the petitioner nos. 1 and 3 are the female members of the family, we are of the view that the custodial interrogation of the petitioner nos. 1 and 3 is not required.

4. Accordingly, we direct that in the event of arrest, the petitioner nos. 1 and 3, namely, **Tahura Bibi @ Tohora Bibi and Rupali Bibi @ Ummejamila Khatun**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner nos. 1 and 3 shall cooperate with the investigation and they shall appear before the jurisdictional court within two weeks from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 and 3 is allowed and prayer for anticipatory bail of the petitioner no.2 is rejected.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)