

04.11.2024
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Allowed

C.R.M. (A) No. 3688 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Nowda Police Station Case No. 176 of 2024 dated 10.07.2024 under Sections 85/103(1)/61(2) of the BNS.

And

In Re : Kader Sk. & Anr. petitioners

Mr. Shahan Shah
Md. Shamim Halder

.....for the petitioners

Ms. Minoti Gomes
Ms. Suruchi Saha

....for the State

Mr. Abdul Aziz Mondal

.... for the de facto complainant

1. Learned Counsel for the petitioners submits they are parents-in-law of the victim lady. It is also contended they have been falsely implicated. Accordingly, they pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record including statements of the witnesses. Witnesses state husband had an illicit relationship with another lady. Over this issue there was dispute and husband chopped his wife resulting in her death. He is in custody. Allegation against the petitioners are incidental that they supported the husband. No specific overt act disclosing sharing of common intention to

murder is evident from facts of the case. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)