

22.10.2024
51
Ct. No. 08
A.R.D.R./ S.D.
Bail granted

C.R.M.(DB) 3596 of 2024

In Re:- An application for anticipatory bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kamarhati** Police Station Case No. **73** of **2024** dated **15.05.2024** under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Israr Ahmed & Anr.

..... petitioners

Mr. Debasis Kar

Mr. Arka Tilak Bhadra

....for the petitioners

Mrs. Sonali Das

Mrs. Manasi Roy

....for the State

This is an application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kamarhati Police Station Case No. 73 of 2024 dated 15.05.2024 under Sections 498A/304B/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the aged parents-in-law of the victim lady who are in custody in connection with the case for 5 months and 4 months, respectively. The husband happens to be the main accused as would appear from the FIR

and the statements of the witnesses. Trial has not yet been started. Only the case has been committed to the Sessions.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for bail. She relies on the statements of witnesses including of independent ones.

Although it appears from the statements of the witnesses and the FIR that there are allegations of commission of torture by all the accused, more specific and more serious allegations are levelled against the husband. Clearly, the husband and the parents-in-law are standing on different footing.

In view of the custody already suffered by the present petitioners and considering the roles ascribed to them by the prosecution, we are inclined to allow the application of the present petitioners for bail.

Let the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Barrackpore. The petitioners shall not intimidate or threaten witnesses or tamper with evidence in any manner and during trial shall attend the trial Court on each and every date.

In the event, the petitioners fail to comply with the conditions as enshrined hereinbefore, it shall be open to the trial Court to cancel the bail without any further reference to this Court.

Criminal Section is directed to provide certified copy of this order, if applied for, to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)