

18.11.2024
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Partly
Allowed

CRM (A) 3952 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Hariharpara Police Station Case No. 529 of 2023 dated 23.11.2023 under Sections 302/34 of the Indian Penal Code subsequently addition of Sections 201/120B of the Indian Penal Code.

And

In Re : Forida Bibi @ Farida Bibi & Ors. petitioners

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Antarikhya Basu

Ms. Madhumita Basak

..... for the petitioners

Mr. Joydeep Biswas

Ms. Pritha Paul

..... for the State

Ms. Minoti Gomes

Mr. J. I. Hossain

..... for the de facto complainant

1. Learned senior Counsel for the petitioners submits there was a dispute amongst family members due to the fact that the daughter of the co-accused Majibar Khan had eloped with the son of the deceased. Petitioner no. 1 is the wife of the Majibar and others are his associates. They submit they have been falsely implicated. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioners had threatened family of the deceased on a number of occasions. Thereafter deceased was taken to the house of Majibar and his body was dropped at the local hospital.

3. We have considered the materials on record. Statement of wife of the deceased show her husband was threatened on a number of occasions and on the fateful day he was taken to the house of Majibar. Her statement implicates petitioner no. 2 to 4 in the crime. Accordingly, we are not inclined to grant anticipatory bail to them.

4. Accordingly, prayer for anticipatory bail in so far as petitioners no. 2 to 4 concerned is rejected.

5. Petitioner no. 1 is wife of Majibar Khan. There is no specific overt act attributed to her. Possibility of her involvement on the score of enmity between the two families cannot be ruled out. Accordingly, we are inclined to grant anticipatory bail to petitioner no 1.

6. Accordingly, we direct that in the event of arrest, petitioner no. 1, Farida Bibi @ Farida Bibi shall be released on bail upon furnishing a bond of Rs. 10,000/-, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that she shall appear before the court below and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)