

22.11.2024

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Partly

Allowed

CRM (A) 4046 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Krishnanagar Women Police Station Case No. 90 of 2024 dated 26.09.2024 under Sections 85/64/316(2)/351(2)/351(2)(3)/3(5) of the BNS.

And

In Re : XXXX petitioners

Mr. Sumanta Das
Mr. Avilash Tripathi

..... for the petitioners

Mr. Kausik Biswas
Mr. Asif Dewan

..... for the State

1. Heard the learned Counsels for the parties.
2. We have considered the materials on record including statement of the victim lady. She alleges petitioner no. 1/husband had an illicit relation with another lady. She was left alone at the matrimonial home when her brother-in-law Ajarul Sk. raped her. In view of the aforesaid statement, we are not inclined to grant anticipatory bail to petitioner no. 1.
3. Accordingly, prayer for anticipatory bail in so far as petitioner no. 1 concerned is rejected.
4. Petitioner no. 5 has already been arrested. Accordingly his prayer for anticipatory bail is disposed of as infructuous.

5. Keeping in mind extent of complicity of the petitioners no. 2,3,4,6 and 7 i.e. other in-laws in the crime, we are inclined to grant anticipatory bail to them.

6. Accordingly, we direct that in the event of arrest, petitioners no. 2,3,4,6 and 7 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 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 jurisdictional court and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioners no. 2,3,4,6 and 7 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)