

20.11.2024
33
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4011 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Patashpur Police Station Case No. 460/2024 dated 16.09.2024 under Sections 85/108/3(5) of the Bharatiya Nyaya Sanhita, 2023(G.R. Case No. 974/2024).

And

In Re: **Rabindranath Barman @ Ranjit Barman and Ors.**

... .. Petitioners

Mr. Arup Kumar Bhowmick.

... .. for the petitioners

Mr. Joydeep Roy,
Mr. Mamata Jana.

... .. for the State

1. Petitioner contends they are in-laws of the victim-housewife. Incident occurred 16 years after marriage. They have been falsely implicated. They pray for anticipatory bail.

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

3. We have considered the materials on record including the statement of the minor son of the deceased. Minor child stated her mother was assaulted by petitioner no. 1 with a wooden log on the leg and petitioner no. 2 had assaulted her in the ear. However, the post-mortem report does not reveal injuries corroborating his statement. Incident occurred 16 years after the marriage and statutory presumption under Sections 113A and 113B of Evidence Act (corresponding to Section 117 and 118 of Bharatiya Sakshya Adhiniyam, 2023 respectively) are inapplicable.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **(1) Rabindranath Barman @ Ranjit Barman, (2) Arati Barman** and **(3) Namita Barman** 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, 2023. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)