

21.11.2024
19
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Allowed

C.R.M. (A) No. 4026 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Kushmandi Police Station Case No. 162 of 2024 dated 19.08.2024 under Sections 85/80/103/3(5) of the BNS.

And

In Re : Jakirul Islam & Ors. petitioners

Mr. Mazhar Hossain Chowdhury

.....for the petitioners

Mr. Prasun Kumar Dutta

Mr. Mainak Gupta

.....for the State

Mr. Aniruddha Bhattacharyya

Ms. Anushka Bose

Ms. Rani Das

..... for the de facto complainant

1. Learned Counsel for the petitioners submits they are in-laws of the victim lady. It is alleged they have been falsely implicated. Victim committed suicide out of depression. They pray for anticipatory bail.

2. Learned Counsels for the State and *de facto complainant* oppose prayer for anticipatory bail.

3. We have considered materials on record including the statement of mother-in-law of the victim recorded under Section 164 of the Code of Criminal Procedure. Although there are allegations against petitioners with regard to torture but the allegation of trying to throttle the victim immediately before the

incident is against the husband who is in custody. Keeping in mind these facts we are of the opinion custodial interrogation of the petitioners are not necessary and they may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioners viz. 1) Jakirul Islam, 2) Manchura Khatun @ Mansura Begum, 3) Sultana Parvin @ Rubina Parvin and 4) Joynul Hoque @ Josemul Hoque 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 jurisdictional court 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.)