

21.11.2024
Sl. No.24
akd
[ALLOWED]

C. R. M. (A) 4031 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 11.11.2024 in connection with Habibpur Police Station Case No.247 of 2022 dated 26.07.2022 under Sections 498A/304B/302/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/306/34 of the Indian Penal Code. (G.R. Case No.4630 of 2022)

And

In Re: ***Prasanta Karmakar @ Shibu Karmakar***
... .. Petitioner

Mr. Kazi M. Rahman
... .. for the petitioner

Mr. Sujan Chatterjee
... .. for the State

1. It is submitted on behalf of the petitioner prayer for anticipatory bail was rejected earlier when it was alleged victim had been murdered. Subsequently, charge sheet has been filed alleging suicide. It is also submitted victim had extra-marital affair and committed suicide out of shame and depression. Accordingly, he renews his prayer for anticipatory bail.

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

3. We have considered the materials on record. Prayer for anticipatory bail had been turned down when the accusation levelled against the petitioner was one of murder. Presently charge sheet has been filed alleging abetment of suicide. Suicide note of the victim does not implicate the petitioner. In such view of the matter, we are of the opinion there is a material change in circumstances which requires favourable consideration of the prayer for anticipatory bail. Hence, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, ***Prasanta Karmakar @ Shibu Karmakar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.
5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)