

11.12.2024
Sl. No.17
akd
[PARTLY
ALLOWED]

C. R. M. (A) 4256 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.11.2024 in connection with Suti Police Station Case No. 382 of 2024 dated 06.03.2024 under Sections 325/302/34 of the Indian Penal Code. (G.R. Case No.1641 of 2024)

And

In Re: **Amit Roy @ Asit Roy & Ors.**

... .. Petitioners

Mr. Arnab Chatterjee

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Ms. Rita Datta

... .. for the State

1. Heard learned Advocates for both the parties.
2. We have considered the materials on record. Statement of eyewitness recorded before Magistrate shows petitioner no.1 assaulted the victim with a brick bat on the head. Thereafter petitioner no.2, Prabitra Roy and Prabhu Kumar Roy @ Prabhu Roy assaulted him mercilessly. As a result, he expired. Hence, we are not inclined to grant anticipatory bail to petitioner nos.1 and 2.
3. Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 2 namely, **(1) Amit Roy @ Asit Roy & (2) Rahul Roy** is rejected.
4. Petitioner nos.3 and 4 are the women folk of the family. No specific overt act has been attributed to them. There is nothing on record which can lead to an inference of sharing common intention with other accused to commit murder. Hence, we are inclined to grant anticipatory bail to petitioner nos.3 and 4.
5. Accordingly, we direct in the event of arrest, the petitioner nos. 3 and 4 namely **(3) Jhuma Mondal @ Jhuma Mondal Roy & (4) Dali**

Roy, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) 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, 2023 and on further condition that the petitioner nos. 3 and 4 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)