

12.12.2024
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Partly
Allowed

CRM (A) No. 4344 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Kumarganj Police Station Case No. 185 of 2024 dated 03.07.2024 under Sections 126(2)/117(2)/118(2)/103(1)/3(5) of the BNS.

And

In Re : Kalipada Barman & Anr. petitioners

Mr. Biswajit Manna

..... for the petitioners

Mr. Rana Mukherjee

Mr. Aritra Bhattacharya

..... for the State

1. Learned Counsel for the petitioners submits they are parents of one Kapil Barman who is the principal accused. They have been falsely implicated. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioners had absconded and proclamation have been issued against them.

3. We have considered the materials on record including statements of the witnesses. They stated one Kapil Barman and Sujana Barman assaulted the victim resulting in his death. However, petitioner no. 1 also participated by holding the victim. Hence, we are not inclined to grant anticipatory bail to him.

4. Accordingly, application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

5. No role is attributed to the petitioner no. 2 in the assault. She is a housewife and issuance of proclamation appears to be without complying with statutory formalities. Accordingly, we are inclined to grant anticipatory bail to petitioner no. 2.

6. Accordingly, we direct that in the event of arrest petitioner no. 2) Dipali Barman shall 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 and on condition that she 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 petitioner no. 2 concerned is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)