

13.11.2024
Item no.42.
Court No.01.
S. De
(Allowed
Partly)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No. 845 of 2024

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.253 of 2024 Dated 14.06.2024 under Section 302 of IPC.

And

**In the matter of: Babli Khatun @ Bewa & Ors.
.....Petitioners.**

Mr. Arnab Saha,
Mr. Rajan Raj,for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Dr. Arjun Chowdhury,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner no.1 is the wife of the deceased person. The petitioner no.2 is the brother of the petitioner no.1. The petitioner no.3 is a cousin of the petitioner no.2.
2. The petitioners say that they have no role to play in the alleged offence. The victim consumed poison on his own and succumbed to the effect thereof after struggling for life for 11 days in hospital. The petitioners took the victim to the hospital. They pray for anticipatory bail.

3. Opposing the prayer, learned advocate for the State draws our attention to the statements of witnesses recorded under Section 161/164 Cr.P.C.

4. We have considered the facts and circumstances of the case. We are inclined to grant anticipatory bail to the petitioner nos. 2 and 3, as prima facie we do not find any incriminating material against them and also since the State has no serious objection to grant of bail to these two petitioners.

5. However, in so far as the petitioner no.1 is concerned, there appears to be prima facie incriminating material. Investigation is in progress and chargesheet is yet to be filed. The charge is very grave i.e. of murder. We are not inclined to allow the prayer of the petitioner no.1. This application stands dismissed in so far as the petitioner no.1 is concerned. In so far as petitioner nos. 2 and 3 are concerned, we allow this application.

6. Accordingly, in the event of arrest, the petitioner nos. 2 and 3 namely, **Ajijar Rahaman, Rajibul Haque @ Sonu Rahaman** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner nos. 2 & 3 shall report to the Investigating Officer once in a fortnight till completion of the investigation and on further conditions that the petitioner nos. 2

& 3 will not leave the jurisdiction of the learned Trial Court until further orders.

7. In case the petitioner nos.2 & 3 fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

8. The application for anticipatory bail being C.R.M. (A) No.845 of 2024 is, thus, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)