

28.11.2024
Ct. No. 01
SL No. 39
Cp
(partly
allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 932 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Jaigaon Police Station Case No.204 of 2024 dated 24.09.2024, under Sections 498A/313/307 of the Indian Penal Code, 1860.

And

In the matter of: **Amir Sohail Shah @ Amir Sohail Saha & Ors.**

....Petitioners.

Ms. Mousumi Das

...for the Petitioners.

Mr. Tapan Bhattacharjee

Mr. Subhasish Misra

... for the State.

Learned advocate representing the petitioners tries to impress upon us by stating that all the petitioners, including the husband of the victim are totally innocent. They have been falsely implicated in this case, out of previous grudge, following a broken marriage. The petitioner submits that benefit of Section 482 of the B.N.S.S. 2023 corresponding to Section 438 of the Cr.P.C., can be extended to the petitioners, including the husband.

Learned advocate for the State produces the CD and vehemently opposes such prayer of the petitioners.

We have heard the learned advocates appearing for the respective parties and have perused the materials in the Case Diary, including the statement of the victim recorded under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S., 2023. The main

allegation is against the husband, petitioner no. 1. We are not inclined to extend the benefit of pre-arrest bail in his favour.

Accordingly, the prayer for pre-arrest bail of the petitioner no. 1 is rejected.

So far as the role allegedly played by the rest of the petitioners, the allegations are almost omnibus in nature. We are of the view that they are entitled to get the benefit of Section 482 of the B.N.S.S. 2023 corresponding to Section 438 of the Cr.P.C.

Accordingly, we direct that in the event of arrest, the petitioner nos. 2 to 6, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of equal amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the B.N.S.S. 2023. The petitioner nos. 2 to 6 shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In case the petitioner nos. 2 to 6 fail to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)