

CRM (DB) 254 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Karimpur Police Station** Case No. **162 of 2024** dated **04.09.2024** under Sections **85/103/3(5)** of the BNS and Section 3/4 of the DP Act.

- A n d -

In the matter of : Bapan Malithya

.... Petitioner.

Mr. Joydeep Biswas,
Mr. Asraf Mondal,
Mr. Kaushik Ghosh,

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Afreen Begum,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is the husband of the victim lady. He says that he has been falsely implicated. His parents and sister have all been granted anticipatory bail by a Coordinate Bench by an order dated December 23, 2024 passed in CRM (A) 4617 of 2024. He says that he stands on the same footing as the other accused persons who have been granted anticipatory bail.

2. We have seen the order of the coordinate bench granting anticipatory bail to the other accused persons. We quote paragraphs 4 and 5 of the said order, which read as follows:-

“4. We have considered the materials on record including the statement of the minor son who alleges her mother was murdered. However, the post mortem report shows death is due to hanging which is predominantly suicidal.

5. In view of the aforesaid dichotomy which improbabilises the allegation of homicide and the extent of involvement of the petitioner in the crime, we are inclined to grant anticipatory bail to the petitioners”.

3. In our opinion, same logic should apply to the present petitioner. There appears to be serious inconsistency between the statement of the minor son and the postmortem report.

4. In view of the aforesaid and considering that investigation is complete and the petitioner is in custody for about 174 days, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioner, namely, **Bapan Malithya**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned A.C.J.M, Tehatta, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the concerned police station except for the purpose of attending court proceedings and shall meet the I.C of the said police station once in a fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

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

(**Prasenjit Biswas, J.)**

(**Arijit Banerjee, J.)**