

06.02.2025

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Allowed

C.R.M. (A) No. 232 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Tarapith Police Station Case No. 92 of 2024 dated 01.12.2024 under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita.

And

In Re : Najrul Mirja @ Nazrul Mia & Ors. petitioners

Mr. Sujoy Sarkar
Ms. Sneha Srivastava
Ms. Debolina Goswami

.....for the petitioners

Mr. Suman De
Ms. Madhumita Basak

....for the State

1. Learned Counsel for the petitioners submits the parties are related to one another. They have been falsely implicated out of suspicion. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits Gazinuddin has amorous relation with the deceased Nishatul Bibi. They had eloped from the village. Subsequently Nishatul Bibi was murdered.

3. We have considered the materials on record. Statements of witnesses including that of landlady in whose house Gazinuddin resided with deceased Nishatul Bibi. From these materials it appears Gazinuddin and Nishatul Bibi were residing separately from the petitioners. The couple used to quarrel. Subsequently Nishatul Bibi had been murdered.

Nothing is placed on record to show petitioners were residing with Nishatul Bibi at the time of occurrence. Nor there is cogent evidence that they were last seen with the deceased prior to the incident. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)