

06.02.2025
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[ALLOWED]

C. R. M. (A) 360 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalna Police Station Case No. 1445 of 2024 dated 02.12.2024 under Sections 103(1)/3(5) of BNS 2023.

In Re: Ashadul Seikh @ Asadul Sk & Ors.

... .. Petitioners

Ms. Sonali Das.

... .. for the Petitioners

Mr. Rudradipta Nandy, Ld. A.P.P.,
Mr. Nirupam Dhali.

... .. for the State

1. Petitioner No.3 is the wife of the deceased. Petitioner Nos.1 and 2 are his parents-in-law. The victim suffered unnatural death due to poisoning. They have been falsely implicated. Accordingly, they pray for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. Victim committed suicide by consuming poison. Statements of witnesses disclose he had committed suicide due to matrimonial discord with petitioner No.3. Whether wear and tear in the matrimonial life is sufficient to constitute abetment of suicide in absence of statutory presumptions under Sections 117 and 118 of BSA requires to be assessed at the appropriate stage of the proceeding.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., **1) Ashadul Seikh @ Asadul Sk, 2) Amena Bibi @ Amina Bibi and 3) Selina Khatun @ Yasin Bibi** 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 subject to the conditions as laid down under Section 482(2) of the BNSS. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)