

11.02.2025
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[ALLOWED]

C. R. M. (A) 426 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Police Station Case No. 873 of 2024 dated 06.12.2024 under Sections 85/108/3(5) of BNS, 2023.

In Re: Mafija Bibi & Anr.

... .. Petitioners

Ms. Sujata Das.

... .. for the Petitioners

Md. Anwar Hossain,
Mr. Soumadip Saha.

... .. for the State

1. Petitioners are the parents-in-law of the victim lady. Incident occurred 15 years after marriage. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioners and other accused are threatening witnesses. A separate case has been started under Section 232 of BNS, 2023 against them.
3. In reply, learned Advocate submits her clients are on bail in the said case.
4. We have considered the materials on record. Allegations of torture are general and omnibus. Victim-wife committed suicide 15 years after marriage and statutory presumptions under Sections 117 and 118 of BSA, 2023 are not attracted. In respect of allegation of holding out threats, we note petitioners are elderly persons and have been released on bail in the said case.
5. Hence, we are inclined to grant anticipatory bail to them.

6. Accordingly, we direct that in the event of arrest, the petitioners viz., **1) Mafija Bibi and Lutfur Sk** 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 and on further condition petitioner No.2 while on bail shall meet the Investigating Officer once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)