

19.02.2025
Sl. No.27
akd
[ALLOWED]

C. R. M. (A) 567 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 13.02.2025 in connection with Santipur Police Station Case No.118 of 2025 dated 05.02.2025 under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.377 of 2025)

And

In Re: ***Sanchita Biswas & Ors.***

... .. Petitioners

Mr. Susnigdho Bhattacharya

... .. for the petitioners

Mrs. Rituparna Ghose

Mr. Rahul Ganguly

... .. for the State

1. It is submitted on behalf of the petitioners there is a land dispute between themselves on the one hand and Pratap Das and Subir Das on the other hand. Petitioners had been threatened by the latter. They had to approach this court in WPA 3344 of 2024 seeking police protection. In spite of direction given by the Hon'ble Single Judge, no steps were taken and petitioners were continued to be threatened. In a contempt proceeding, by order dated 03.01.2025, Superintendent of Police, Nadia was directed to provide police picket outside the residence of the petitioners. Subsequently, they have been falsely implicated in the present case. Accordingly, they pray for anticipatory bail.

2. Learned Advocate for the State draws our attention to a subsequent order dated 07.02.2025 wherein the Hon'ble Single Judge clarified the aforesaid direction of police picket shall not stand in the way of investigation of the present case.

3. We have considered the materials on record. It is alleged on 05.02.2025 petitioners assaulted the victim. On the next day, his body

was found hanging in the land of Pratap Das and Subir Das with whom petitioners had inimical relation. Post mortem report placed before us shows victim had died due to hanging which is ordinarily suicidal. Given this situation, even if allegation of a prior skirmish between the petitioners and the victim is believed, physical assault cannot be said to be the cause of death. On the other hand, death occurred on the land which is under the control of Pratap Das and Subir Das with whom petitioners have strained relation. Possibility of false implication on this score cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Sanchita Biswas, (2) Subhas Biswas, (3) Shyamali Biswas, (4) Naru Gopal Biswas & (5) Mantu Sarkar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)