

05.03.2025
Sl. No.19
akd
[ALLOWED]

C. R. M. (A) 775 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.02.2025 in connection with Kaliachak Police Station Case No.1342 of 2024 dated 28.08.2024 under Sections 85/80/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.6317 of 2024)

And

In Re: ***Abaidur Mia @ Obaidul Mia***

... .. Petitioner

Md. Wasim Akram
Ms. Sabrina Parveen

... .. for the petitioner

Mr. Debabrata Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner there was a romantic association between himself and the victim lady. They agreed to marry. But the parents of the victim were unwilling. As a result, the couple eloped and were staying as husband and wife. At this juncture, relations of the victim intervened and took her back to their residence. Petitioner tried to persuade them to permit the victim to stay with him. They abused and threw him out. Thereafter victim committed suicide. Petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits witnesses saw immediately prior to the incident petitioner and other accused were running away from the spot.

3. We have considered the materials on record. Victim lady committed suicide at her parental home. Petitioner contends they had fallen in love and had married against the will of her parents. They were residing together as husband and wife. Victim lady was compelled to

return to her parental home against her will. She committed suicide at the parental home. Statements of witnesses showing petitioner and others were seen running away from the house appears to be unnatural. Possibility of implicating him owing to their resistance to marriage between the couple cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, ***Abaidur Mia @ Obaidul Mia***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 petitioner 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.)