

AD 13
April 11, 2025
Ct. 28
SG

Allowed

CRM(A) 1138 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Noapara P.S. Case No.48 of 2025 dated 22.03.2025 under Sections 85/316(2) of the BNS, 2023.

And

In the matter of: *Gita Debnath and another*

... petitioners

Mr. Arkadyuti Pahari
Ms. Gargi Maity
Mr. Alik Mandi

... for the petitioners.

Mr. Kaushik Biswas
Mr. Santanu Talukdar

... for the State

Learned counsel appearing for the petitioners submits as follows. The petitioners are the sister-in-law and aunt-in-law of the victim/de facto complainant. Three other accused surrendered and obtained bail. The petitioners complied with the notice issued under Section 35(3) of the BNSS.

Learned counsel for the State opposes the prayer and submits that although the injury report shows simple injury, there are statements of neighbours who said that the husband and in-laws assaulted her. The petitioners did not comply with the notice. There is an explanation given by the investigating officer that there was an erroneous recording although only some of the accused had complied with the notice.

In view of the materials available in the case diary, the nature of allegations vis-à-vis the present petitioners and the fact that three other accused including the principal accused were granted bail, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further condition that the petitioners shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)