

15/05/2025

D/L 21
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1554 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with the GR case no. 8409 of 2024 arising out of Hatishala police station case no. 264/2024 dated 28.11.2024 under sections 85/108/3(5) of the BNS.

In the matter of: Abdul Rahim Molla @ Abdul Rahim
... Petitioner

Mr. Pradip Kr. Kundu

...for the petitioner.

Mr. Rana Mukherjee

Mr. Subhom Bhakat

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. The petitioner is the husband of the alleged victim/deceased. The marriage took place about seven years ago. The couple had a child. Although the date of occurrence was 19.11.2024, the FIR was lodged much later, on 28.11.2024.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that there are statements of relatives which support the prosecution case. However, there was a prayer made by the de-facto complainant before the police authorities requesting the dead body, after the post-mortem examination, to be handed over to the petitioner for the last rites and recording that he was having no further allegations against anyone.

3. Considering the materials available in the case diary and the alleged role ascribed to the present petitioner, I do not think that custodial interrogation of the petitioner is required in this case.
4. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall meet the I.O as and when required.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)